This paper was written by Joseph Cerquone, USCR consultant. It was edited by Virginia Hamilton, and produced and designed by Koula Papanicolas of the USCR staff. The cover photograph is courtesy of the United Nations High Commissioner for Refugees.

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UNCERTAIN HARBORS
THE PLIGHT OF VIETNAMESE BOAT PEOPLE

Gentlemen, our people have a traditional attachment to their country; no Vietnamese would willingly leave home, homeland, and ancestors' graves.

_Testimony of Nguyen Cong Hoan, before the House Foreign Affairs Committee._

More than twelve years after the fall of Saigon, boat people continue to flee Vietnam. During the first three-quarters of fiscal year (FY) 1987, approximately 19,000 Vietnamese refugees—nearly as many as in all of FY 86—are known to have clambered aboard vessels, risked their lives on the high seas, and landed in Thailand, Malaysia, Hong Kong, and other Southeast Asian countries. Others began the same journey, but failed to reach safe shores.

These refugees have always faced danger. According to one undoubtedly modest estimate, the long, uncertain voyages of the boat people have claimed at least 100,000 lives. Today, however, Vietnamese who take to boats in order to escape their homeland face an additional threat: rejection by those they believe to be their benefactors.

The United Nations estimated in early 1987 that nearly 17 percent of the boat people in Southeast Asia's refugee camps have been there longer than four years. They have unwillingly become "long-stayers," or "residuals," persons who have been rejected for resettlement by the West. "They are leftover refugees, residue of the world's boiling political conflicts," Monsignor Nicholas DiMarzio, of the U.S. Catholic Conference, said of the dehumanizing labels and conditions these people endure.

The number of boat people in refugee camps rose by nearly 10 percent during the first nine months of FY 87, reaching approximately 35,000 as of July, while opportunities for resettlement diminished. Compared with the magnitude of the boat flows of the late 1970s and with other current refugee situations, the size of this population is not extraordinary. But that cannot erase the suffering of those who have come to be treated as the residue of a tragic period.

Almost a decade ago, in an impressive act of humanitarianism, Western nations formally agreed to help, opening their own doors to those who made their escapes.
in rickety vessels. They resolved the immediate crisis of thousands pouring into Southeast Asian camps, and, in so doing, increased the chance that boat refugees who later sought asylum would find it. Hundreds of thousands were resettled in safety, proof that the world community can be effective, resourceful, and generous on behalf of refugees. The simplicity and directness of this approach was one of its immediate strengths, but it could not continue indefinitely.

Each year, Western governments resettle smaller numbers of Southeast Asian refugees, saying that fewer and fewer can establish bona fide claims of persecution. As arrivals continue, however, tensions are mounting in the Southeast Asian countries that for years have granted temporary haven—"first asylum"—to Vietnamese boat people. In June 1987, the foreign ministers of the Association of Southeast Asian Nations (ASEAN) declared that refugee flows "cause severe economic, social, political, and security problems," adding, "We continue to be convinced that resettlement remains the appropriate solution."

But many government officials in the resettlement countries—primarily, the United States, Australia, and Canada—now see resettlement as serving to perpetuate the problem. Ambassador Jonathan Moore, the U.S. Coordinator for Refugee Affairs, explained the "conundrum" in a recent interview: "If by taking long-stayers, you reduce dramatically the number... you are in danger—through the magnet, the pull phenomena—of building up future long-stayers. If you take off a smaller number... you jeopardize first asylum protection. What we've got to figure out is how to beat that dilemma, and there is no immediate way of doing it."

To some extent, the international community's frustration is understandable. The policies of the government of Vietnam are ultimately responsible for continuing boat arrivals. At the same time, Western efforts to assist boat people have been prolonged and extensive, primarily involving "third-country resettlement," the most expensive and least desirable solution to a refugee problem. Despite this, the problem remains, and Washington has not been effective during the last eight years in leading the international community in a search for a comprehensive set of solutions, in addition to resettlement, which would resolve it. Only a small number of people have returned voluntarily to Vietnam. Involuntary repatriation, under current circumstances, is unthinkable. No more than a few thousand Vietnamese refugees have been offered permanent settlement in Hong Kong and the Philippines, and virtually none in Thailand, Malaysia, and Indonesia.

There is certainly no immediate answer to the ongoing Vietnamese refugee predicament. It is entangled in geopolitical and regional tensions that show few signs of ending. The nations that grant asylum and those that provide resettlement and assistance, as well as Vietnam itself, have done little to seek lasting and humane alternatives to the continuing dangerous exodus by boat. Refugees simply are not high enough on the political agenda. Opportunities for legal
Boat People Remaining in First Asylum in Southeast Asia*

*Camp population as of July 1987. Source U.S. State Department.

**Increasingly, refugees are escaping Vietnam using routes which take them to the eastern portion of Thailand.
emigration are fragile, and narrow in scope. Above all, Vietnam has not ade-
quately addressed the human rights abuses which, in large part, are responsible
for continued refugee departures. Until these problems are solved, resettlement
still provides the only safeguard to ensure that first asylum will be preserved for
refugees in Southeast Asia.

This paper reflects the concern that many of today’s boat people are in danger
of being abandoned, and that in the absence of an effective, comprehensive
approach, preserving first asylum for tomorrow’s asylum seekers will become
ever more difficult as resettlement commitments continue to decline. It is predi-
cated on the belief that Southeast Asia’s refugees must not be treated as residue.
They are people whose predicament warrants prompt, generous, comprehensive,
and concrete U.S. and international action.

A Remarkable Commitment

Approximately 660,000 boat people are known to have left Vietnam since
1975. While some Vietnamese went into exile immediately after the collapse of
the Republic of South Vietnam, several events between 1977 and 1979 prompted
the first major flows of boat refugees. These included the imposition of North
Vietnamese authority over the South, the persecution of ethnic Chinese, the
establishment of “new economic zones,” and the incarceration of thousands of
political prisoners. By spring 1979, nearly 60,000 boat people, often having
endured the atrocities of pirates and other dangers of the sea, were arriving
monthly in the nations bordering Vietnam. Overwhelmed and rejecting respon-
sibility for the refugees, some governments took drastic action. Malaysia pushed
some 40,000 boat people out to open water, where many perished. Thailand,
Indonesia, and the Philippines also stopped boats from reaching their shores,
with significant loss of life.

In July, representatives of the international community met in Geneva under
UN High Commissioner for Refugees (UNHCR) auspices to address the situation.
They recognized “third-country resettlement” as the only available solution,
agreeing that “actions and commitments, of an ongoing nature, would indeed
give the refugees the chance for new lives” and should be used to reassure
Southeast Asian nations “as long as the problem lasts.” With the United States
in the lead, an important arrangement was worked out with first asylum countries:
if they provided temporary haven to the refugees, the international community—
particularly the West—would resettle them. Many nations agreed to take boat
people, but the United States made by far the largest offer. These actions resulted
from the clear recognition that resettling refugees was the sole immediately
available answer. There was also a commitment to remain engaged in resolving
the situation over time, although it was undoubtedly assumed that additional
appropriate solutions would be developed as the crisis continued.
In one sense, it was easy for the world to be responsive. Boat people were widely regarded as bona fide refugees, individuals who fled Vietnam in fear of persecution. Many had clear political reasons for their fear; others had religious or ethnic reasons, such as the ethnic Chinese, who were unwanted by the new government of Vietnam, which actively persecuted and expelled them by the thousands. Frequently, escape vessels also carried Vietnamese with close U.S. connections, who, abandoned by the poorly executed evacuation of 1975, were of special concern to the United States.

Nevertheless, the 1979 conference itself achieved no small feat: it showed that many nations were capable of working together effectively to save lives and preserve first asylum. "This meeting [marks] a new phase," UN High Commissioner for Refugees Poul Hartling told conference, as the world embarked on one of the most dramatic humanitarian rescue operations in history. "The refugees...will know that the international community has not abandoned them." In the months following Hartling's declaration, the refugee populations in asylum camps plummeted, as tens of thousands of boat people moved on at remarkable rates to new lives in resettlement countries. In FY 80 alone, the United States resettled more than 166,000 Indochinese, and more than 132,000 in FY 81.

New Procedures in the United States

Just as the boat people crisis prodded the international community to seek solutions in Geneva, the U.S. Congress also had a fresh incentive for reexamining the laws governing admission of refugees into the United States. The existing law, the Immigration and Nationality Act, was both unwieldy and marred by a distinctly Cold War flavor, limiting refugees to be resettled in the United States to those fleeing communist-dominated countries or the Middle East.

To make refugee admissions more equitable and to replace the ad hoc response to refugee resettlement with a more orderly and standardized procedure, Congress passed the Refugee Act of 1980. The Act brought the U.S. definition of a refugee into conformity with that of the UN. Hereafter, the United States defined a refugee as a person outside his or her country, "with a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Congress struck any ideological or geographical references from the definition, relating future resettlement to humanitarian concern.

The Refugee Act created a new system for admitting all refugees from overseas, including boat Vietnamese. Initially, the Act established a numerical benchmark of 50,000 refugees, beyond which the President could admit additional numbers after "appropriate consultation" with Congress if "justified by humanitarian concerns or...otherwise in the national interest." Beyond FY 82, no numerical benchmarks were applied.
Congress recognized and supported the traditional role played by voluntary agencies in greeting refugees and helping them to establish themselves in their new home. The Act also created an Office of Refugee Resettlement in the Department of Health and Human Services to continue to assure that refugees would be assisted after their initial reception and placement in this country.

A Waning Concern

Yet, as the crisis in Southeast Asia peaked, so too did this strong humanitarian commitment. As U.S. willingness to resettle diminished, the international community, distracted by other concerns, and perhaps overly reassured by the Vietnamese government's steps to curb boat flows, gradually restricted its resettlement pledges. No alternative solutions were put in place to assure that first asylum would continue in light of the decline in resettlement.

In the United States, many factors contributed to the waning focus on Southeast Asian refugees, including pressure to cut government spending; frustration over a seemingly intractable undocumented alien problem; an unregulated boatlift that brought 125,000 Cubans directly to U.S. shores in a matter of months; worry about sizeable refugee flows from Laos and Cambodia; and feelings that some refugees had been admitted too easily and received too much assistance. These factors made policymakers and the public more receptive to the notion that the “quality” of the boat people had changed, and led to a growing and pervasive U.S. restrictiveness towards immigrants and refugees.

An important example of these restrictive tendencies was a 1982 Justice
Department interpretation of the Refugee Act of 1980, which disallowed the previous practice of broadly presuming the eligibility of some who sought resettlement in the United States as refugees. In fact, in virtually every case where interpretation of the new Act was necessary, the Department adopted the narrowest option.

For boat people, the 1982 ruling meant that flight from Vietnam in itself would no longer essentially guarantee them approval by immigration officials for U.S. resettlement. The bureaucratic process now would require each arrival to prove himself a likely target of persecution before he could be considered a candidate for resettlement in the United States. This new interpretation was issued even though a special U.S. advisory panel appointed by the Secretary of State to assess refugee conditions in Southeast Asia had delivered a conclusive finding just months before: “Most boat people fleeing from Vietnam are unwilling to return, and they would face persecution . . . were they to do so. Moreover, they are unable to return, as Vietnam will not accept them back. They are, therefore, entitled to refugee status.”

In late 1981, the U.S. rejection rate of Vietnamese boat people in Hong Kong was 20 percent; it rose to more than 65 percent in late 1982. The build up of rejected cases stoked the defensiveness which had already produced “humane deterrence” policies in the first-asylum countries of Southeast Asia. In Thailand and Hong Kong, newly arriving refugees were being banished to stark camps and deemed ineligible for resettlement as a way of deterring additional arrivals. These policies also separated families, as later arrivals were kept from relatives who had escaped before deterrence measures took effect.
In 1982, the United States announced an administrative decision that persons without prior U.S. ties would no longer be accepted for resettlement. These people were classified as P-6's, the lowest priority of six processing categories used by immigration officials to delineate the strength of the connection persons seeking U.S. resettlement had with the United States. This decision affected a large segment of boat arrivals and greatly contributed to the build up of "long stayers".

Essentially, the "P-6 cut-off" was a method of choosing those who had the strongest U.S. associations from a large pool of refugees. The United States did not deny that its P-6 files contained the papers of people who had legitimate claims to refugee status; it simply chose not to resettle them.

In addition, a major debate arose about the claim of many boat people even to be considered refugees for resettlement purposes. For example, some Vietnamese peasants—who were viewed as apolitical and unlikely targets of persecution—were among those landing in first-asylum countries. Their arrivals precipitated assertions by resettlement countries that more economic migrants were joining the flight from Vietnam. A 1984 U.S. Senate staff report which observed that "a refugee flow has clearly shifted to a migratory movement" gave the economic migrant claim considerable credence, even though the report itself described conditions in Vietnam as conducive to refugee flight. "No criticism of the current regime is permitted, and the government network of informers has become all pervasive," the report said. "Travel restrictions are in effect. The military draft continues . . . Religious persecution . . . has been stepped up. Priests and nuns are arrested on often trumped up charges."

The economic migrant charge often over-simplified the motivations of the refugees, and was seized by those who simply wanted to cut refugee admissions numbers and appropriations. This debate continues today. Often lost in its midst is the fact that many people with solid U.S. connections, and with very good reasons for escaping, are still trying to get out of Vietnam. In June 1987, The New York Times reported boat people telling their rescuers that they fled because they were denied an education or a job due to their parents' previous associations with the former South Vietnamese government. Others said they wanted to avoid being sent to work in agricultural camps or drafted for military service in Vietnam's internationally condemned occupation of Cambodia. A significant number of the more than 900 boat people who landed in Thailand in June 1987 cited non-economic factors for leaving Vietnam, according to UNHCR. "None of the reasons given by refugees for leaving are in isolation from others. Woven into the description of economic discontent or discrimination are stories of the military draft or forced labor, lack of opportunity for study . . . and discrimination because of one's ethnicity or religious beliefs. Most refugees have more than one of these complaints. By far the most unifying element in the process of disenfranchisement is service to the government prior to 1975. This is often reflected in re-education experience of oneself or of relatives."
The assertion that those escaping Vietnam were not refugees, or were fleeing solely in search of a better economic life, trivialized an intense and complicated human crisis. "The rapid growth of the 'rejection rate' reflected not on any substantive change in the 'quality' of the refugee cases being presented as much as on the subjective change in attitude on the part of the interviewing officers," noted Robert P. DeVecchi, executive director of the International Rescue Committee.

Boat refugee arrivals declined in the years following the 1979 conference, although they never dropped below an annual figure of 20,000. Why they declined, however, is difficult to pinpoint. No one expected the high rates of 1979 to continue indefinitely, but a number of factors brought about the decline. Humane deterrence policies remained in force in some first asylum countries. Escape craft and boat motors became more scarce in Vietnam, and the Vietnamese government clamped down on surreptitious exits. In 1983, the number of Vietnamese using the UNHCR's Orderly Departure Program to leave Vietnam legally surpassed for the first time the number of those escaping illegally. Also, over the years, awareness grew among refugees of vicious pirate attacks that peaked in this period, and there was the suspicion that these assaults were not adequately repressed because they had the effect of discouraging still more Vietnamese from trying to reach Thai shores.

The great majority of the more than 350,000 Vietnamese boat refugees resettled in the United States were admitted before FY 82.* In the years since, U.S. admissions of boat refugees have averaged 16,500 annually. In the first 9 months of FY 87, just over 9,000 had been admitted to the United States. Approximately 32,000 boat people still remained in Southeast Asian refugee camps at the end of FY 86.

"Each time, the ball is thrown back into UNHCR's court," a UNHCR report noted ruefully about the way resettlement nations continued to reduce their commitments. "Refugees are told to turn to [us] for help in seeking resettlement 'elsewhere.'" But "elsewhere" did not exist for many boat people who found themselves rejected. And for refugees who had not yet begun the journey to Thailand, Malaysia, Hong Kong, and Indonesia, no additional measures had been put in place to guarantee the availability of adequate asylum.

**Boat Refugees in 1987**

*Conditions in Thailand Eroding* Due to the forces of history and geography, Thailand has sheltered more Southeast Asian asylum seekers than any other

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* Since 1975, 528,000 Vietnamese refugees have been resettled in the United States. This number includes 125,000 resettled in the 1975 evacuation, as well as "land" Vietnamese who travelled overland through Cambodia to Thailand, and those who were resettled through the Orderly Departure Program.
country in the region during the decade following the Vietnam war. It is the only first asylum country with refugees crossing virtually all of its tense borders, by land as well as sea. Nearly one million Vietnamese, Cambodians, and Laotians have sought haven on Thai soil, where they often have been viewed as threatening and costly.

Until 1986, boat arrivals in Thailand were housed in a number of camps and, in some cases, were permitted some freedom of movement. The Thai government then began to consolidate its refugee camps, and transferred all boat people to Phanat Nikhom, a facility where Vietnamese refugees are kept segregated in an area known as "Section C." According to UNHCR, "Section C . . . has been designated a 'Restricted Area,' which means that anyone entering . . . requires a special pass. The Vietnamese are not allowed out of the section except under special circumstances."

Approximately 10,000 Vietnamese refugees, a significant number of whom have not been interviewed for resettlement, remain in Phanat Nikhom. Recent visitors to the camp describe Immigration and Naturalization Service (INS) resettlement processing there as limited, although the facility is considered to be "bursting at the seams" with refugees who have no place to go. Special appeals have been made to some of the resettlement countries to accept the camp's hundreds of Vietnamese who refused to serve in the army any longer. "As a group of single young men, with little qualifications and hardly any links abroad, the group has naturally very little resettlement potential," UNHCR said of them late last year. "There has been a positive response from some of the Nordic countries . . . yet the number of this group is steadily growing."

Stemming from the stresses of camp life, anxiety and depression are among the series of ailments boat refugees throughout Southeast Asia experienced, according to Tran Minh Tung, a Vietnamese psychiatrist who has worked with Indochinese refugees since 1975. "The risk of suicide is very high," he wrote after a visit to camps in Thailand, Malaysia, Hong Kong, and the Philippines. Inadequate social services for the refugees—especially for victims of rape, abduction, and other violence at sea—contribute to the problem. In March 1987, a joint U.S./UNHCR review team reported that reorganization of social services "is vitally necessary at Phanat Nikhom." It described the mental health staff there as "over-extended with multiple roles and responsibilities and very large caseloads."

From October 1986 through June 1987, the first nine months of FY 87, 6,600 boat people arrived in Thailand, almost 3,000 more than in the entire previous fiscal year. Monthly totals were at their highest levels in six years. At the same time, worldwide resettlement for boat people declined by 12 percent compared with the same period in FY 86.

Such figures are of concern in Thailand, a country which bears a historic animosity toward Vietnamese, and which only reluctantly resettled between
<table>
<thead>
<tr>
<th>Country</th>
<th>FY 86 (Total for year)</th>
<th>FY 87 (First 9 months)</th>
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</thead>
<tbody>
<tr>
<td>Thailand</td>
<td>3,835</td>
<td>6,611</td>
</tr>
<tr>
<td>Malaysia</td>
<td>2,272</td>
<td>2,275</td>
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<tr>
<td>Philippines</td>
<td>2,481</td>
<td>1,429</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>1,301</td>
<td>3,374</td>
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Source: U.S. State Department
40,000 and 50,000 refugees from North Vietnam in 1954 after they fled the French Indochina War. In mid-1986, the Thai officials warned that they would impose “other solutions” to their refugee situation this year unless resettlement improved. Thai officials have repeatedly pushed highland Lao back across the Mekong River recently, and they are also forcibly relocating Cambodians to their country’s dangerous border with Cambodia.

Refugee Arrivals Increase in Malaysia
In Malaysia, patience with boat people is also wearing thin. As the recipient of the most boat arrivals since 1975, Malaysia recently threatened to shut its main refugee camp on Pulau Bidong Island. Authorities have not indicated what would happen to refugees if such a closing were to occur, although a Malaysian embassy spokesman told the U.S. Committee for Refugees (USCR) that unhappiness with the pace of resettlement is the basis for the announcement.

During the first nine months of FY 87, 6,552 boat people arrived in Malaysia, nearly as many as in all of FY 86. Though resettlement from the country has increased recently, it declined by 19 percent in FY 86, with the United States taking 16 percent fewer refugees than it did in FY 85.

Malaysia’s threat to close Pulau Bidong may have stemmed also from the prospect of regional elections in the eastern part of the country, the area which receives most of the boat arrivals. It is populated by Malays, one of the nation’s three major ethnic groups. Malays are generally thought to be apprehensive about boat flows because they fear they will bring ethnic Chinese refugees of Vietnamese nationality, thus upsetting the nation’s racial balance.

A Threatening Atmosphere in Hong Kong
Boat people in Hong Kong continue to endure grave difficulties, both emotional and political. A British colony, Hong Kong harbors approximately 8,000 refugees, the third largest such population in Southeast Asia. In June and July 1987, arrivals rose dramatically after being at low levels for several months. A significant number of the arrivals were Chinese from Vietnam who had resettled in mainland China after 1975. The Hong Kong government, after urgent negotiations with China about how to implement their return, has begun to do so.

Hong Kong authorities have long been upset about direct refugee flows by boat from Vietnam. Boat arrivals increased sharply in FY 86, while resettlement numbers dropped. More than 4,000 boat people have been in Hong Kong for more than four years, and local authorities say nearly 1,000 have languished in camps since the late 1970s.

“The refugees have been given a sentence,” observed a source with the British Refugee Council, “and a far worse one than any jail term. A person in jail at least knows when he will be getting out.”

In Hong Kong, whole families of boat refugees are housed in 6 x 4 foot cubicles, one stacked upon the other. In some camps, refugees are permitted to work, if
they can find it. The majority, though, are locked into “closed” camps, shut off from the outside world altogether; they arrived after Hong Kong introduced “humane deterrence” policies in July 1982, and are subject to strict detention. Hong Kong is reportedly not pleased with the policy, but feels compelled to enforce it. Arrivals are told of the stark asylum conditions when they arrive, and are given the choice of staying in Hong Kong detention camps or moving on. About half choose to remain.

UN High Commissioner for Refugees Jean-Pierre Hocke has attacked the closed camp policy, saying that such an approach may be diminishing Hong Kong’s chances of “finding resettlement places in other countries for people who may have developed psychological problems as a result of being in closed camps.”

Modest steps have been taken to alleviate these conditions for the boat people. Language classes and various forms of training are offered. In late 1986, boat people in the closed camp of Chi Ma Wan were allowed to open a restaurant and to eat on their own, rather than communally. Also, barbed wire was removed from the top of the chain link fence that surrounded the facility. But a camp social worker told USCR that such “improvements” and the availability of classes and training are not enough to overcome the despair she observed.

Hong Kong’s refugees also live in a volatile political atmosphere. A recent poll indicated that 65 percent of the people of Hong Kong reportedly do not want any more refugees admitted, in part because they are disturbed that undocumented aliens from the People’s Republic of China—who have ethnic and sometimes family ties with Hong Kong residents—are repatriated regularly while Vietnamese boat people are given refuge. Hong Kong itself has locally resettled 14,500 boat people and other refugees since 1975, and has been offering 20 such resettlement places monthly since April 1986 to those “whose stay . . . has been prolonged.”

Mindful of refugee arrival and resettlement numbers and convinced that many boat people are economic migrants, members of Hong Kong’s influential Legislative
These Vietnamese refugees live in one of Hong Kong’s closed camps. Many have remained there for more than four years.

Judith Canty
Council have been openly discussing the possibility of screening future boat refugee arrivals and then forcibly repatriating to Vietnam those who are identified as migrants. In early 1987, it was widely reported that colonial officials had convinced the British government to accept the idea of an involuntary repatriation.

Since then, however, both British and Hong Kong officials have told USCR that those reports were erroneous. Even so, official denials of repatriation plans should provide small comfort to the refugees, as tensions increase over their continued presence in Hong Kong. In July 1987, D. G. Jeaffreson, the Secretary for Security in the Legislative Council, said, "We are continuing to remind London of the considerable concern in Hong Kong at the difficulties we are having in getting Vietnamese refugees resettled." He spoke of "the wide support among members of this council and in the community both for a greater degree of resettlement in the short-term and for a long-term solution involving repatriation of those who cannot be resettled because they are not in fact refugees."

The reduced resettlement activities of Western countries, and especially of Britain, have in large measure triggered local anxieties. Since 1975, Britain has accepted approximately 12,000 boat people—from a total of 112,000 resettled from Hong Kong in the same period—but local and international pressure has built for London to become more active. The United States, which took 58 percent of the boat people who were resettled out of Hong Kong during the first half of the 1980s, has also urged London to take a greater share in the resettlement responsibility. However, the British government announced in May 1987 that it would take only 468 boat people over the next two years, all of whom must already have family or other personal ties in Britain. The announcement suggests that Britain's response will continue to be minimal. Britain took 500 refugees during a two-year period which ended in early 1987, less than half of the number that had been anticipated.

"With stricter criteria now in force" among resettlement countries, a Hong Kong government report said in July 1987, "it is not possible to predict how many refugees will qualify for their resettlement programs." The increased restrictiveness is most obvious in U.S. policy. Although the United States has accepted more boat people from Hong Kong than any other country, it sharply curtailed its resettlement operations by the early 1980s, and the threat of a forced repatriation has done nothing to revive them. Fifteen hundred boat refugees were U.S.-bound from there in 1984, compared to 21,000 in 1980. As more and more boats have arrived from North Vietnam, U.S. officials have asserted that the new arrivals in the colony are primarily economic migrants and P-6 cases, and they have considerably reduced resettlement commitments. The United States took only 206 refugees out of Hong Kong during the first half of 1987, while Canada and Australia—the other two main resettlement countries with programs in the colony—accepted 525 and 324 respectively.
Indonesia   The practice of stopping refugee boats at sea may have already begun in Indonesia. Indonesian military and immigration authorities allegedly tried to prevent a refugee boat from landing in April 1987. However, Indonesian embassy officials in Washington have said that its policy of granting temporary haven has not changed. They denied knowledge of the push-off account.

Substantially fewer boat people are arriving in Indonesia and, though the exact reasons for the sharp decrease are unknown, the development does trigger speculation. A U.S. State Department source suggested that several factors, including the closing of a refugee education and training center there, and attempts by Indonesian authorities in 1986 to curb the activities of Vietnamese whom they suspected of ferrying refugees from Vietnam, may have helped to reduce Indonesia’s refugee arrivals. “There have been rumors, suspicions” of push-offs, the source also said, but “evidence of them has been difficult to get.”

But in August 1987, USCR learned that at least two U.S. ambassadors in the region are “convinced the Indonesians are taking actions aimed at keeping the first asylum population down.” There are clear indications that Indonesian authorities are frustrated with their long-stayer problem, and that they typically fail to investigate reports of push-offs or excuse them as minor officials’ aberrations. Refugees are themselves reporting actions to prevent them from landing, some noting that “the greater number of push-offs will never be reported.”

Resettlement Countries in 1987

A Threat to the Order of Things   The poor conditions boat refugees endure have been largely ignored by resettlement nations preoccupied with other more general immigration concerns. “Many of the countries of Europe are registering alarm at the influx of refugees and asylum-seekers looking for opportunities for safety and resettlement,” Philip Rudge observed in The World Refugee Survey. “Increasingly,” Rudge wrote, “refugees are presented not as people in need of help, but as people who constitute a threat to the order of things; they do not have problems, they are the problem.”

The attitudes Rudge described so trouble the International Council of Voluntary Agencies (ICVA) that it appealed to the UNHCR in March 1987 to spark the development of a “broad-based agreement on the elements of a humane refugee policy in Europe and North America. . . . It is a matter of great concern that governments in the home countries of many of the major international humanitarian organizations are now seeking to close the door to refugees,” ICVA said.

France, whose colonial ties to Vietnam ended in 1954, has responded generously to the needs of boat people for rescue at sea and for resettlement, but began reducing its resettlement program in 1984. At the same time, Germany,
Japan, and other countries also lowered refugee admissions. Consequently, only three nations are currently resettling significant numbers of boat people: the United States, Australia, and Canada.

Canada accepted nearly 75,000 boat people during the decade after the Vietnam War, and it has focused recent resettlement efforts on “long-term camp dwellers in Hong Kong, Malaysia, and Indonesia,” according to a February 1987 Canadian government report. Canada plans to take 3,200 Southeast Asian refugees through government-sponsored means in 1987 and could conceivably accept more under privately sponsored arrangements. Yet, Canada’s admissions, like those of the United States, have tapered off after reaching high levels in the late 1970s. Moreover, domestic pressures have built in recent months which are expected to reduce significantly the Canadian welcome to asylum seekers and refugees.

When the U.S. Congress passed the Immigration Reform and Control Act in November 1986, thousands of Central American asylum seekers sought to avoid the impact of the new law by leaving the United States for Canada. Immediately, their presence worried Canadian officials—“These numbers will soon overwhelm our ability to deal with them,” one government spokesman told USCR—and the influx ultimately prompted restrictions. In May 1987, mere months after Canada won the Nansen Medal, a UN award that recognizes service to refugees, the Canadian government introduced legislation that would curb admissions of refugees coming from a safe third country.

Australia has admitted about 85,000 boat people since 1975, and now admits up to 6,000 Southeast Asian refugees annually. It has accepted more boat refugees per capita than any other country. However, according to Australian government sources, high unemployment, concern that continued resettlement creates a magnet pulling more refugees from Vietnam, having to balance the plight of boat people with the needs of other would-be immigrant groups, and the general perception that many boat people are in fact economic migrants rather than refugees mitigate against a liberal future resettlement program for refugees.

The United States In June 1987, U.S. Secretary of State George Shultz told concerned ASEAN foreign ministers that “the commitment of the United States to resolving the Indochinese refugee problem is as strong today as it has ever been.” To indicate bipartisan Congressional support, Shultz made reference to a letter sent him by four key U.S. senators—Claiborne Pell (D-RI), Edward Kennedy (D-Mass.), Mark Hatfield (R-Ore.), and Alan Simpson (R-Wyo.).

“Broad support remains strong within Congress for the continued and active involvement of the United States in addressing the protection, assistance, and resettlement needs of refugees throughout Southeast Asia,” the lawmakers wrote Shultz as he left for the ministerial meeting. However, they also noted the need for Southeast Asian governments to share the burden.
But despite Shultz’s reassuring words for ASEAN, there is evidence that the U.S. commitment toward resettlement continues to weaken. The Reagan administration’s FY 88 budget request for migration and refugee assistance projects an annual ceiling of 27,000 Southeast Asian refugees to be admitted from first asylum countries, 5,000 fewer than in FY 87. Even if the numbers are higher than those projected, it is virtually certain that they will still fall below FY 87 figures, continuing the downward trend of resettlement. Observed one government source when asked about the lower admissions numbers in the administration’s budget request, “It reduces the leverage we would like to have [with first asylum countries].”

There has been some movement toward a more generous resettlement program for Vietnamese. The United States authorized processing of 1,000 P-6 cases in Malaysia, and the same number in Indonesia in FY 87. That move, while welcome, admitted only about 1,100 people, and federal officials say that the initiative was on a one-time only basis.

Various advocacy groups and members of Congress, meanwhile, continue to press for action on the resettlement front, in the absence of any effective and humane alternatives. Sen. Mark Hatfield introduced a legislative remedy, the Indochinese Refugee Resettlement and Protection Act of 1987, which would, among other things, establish a minimum annual admissions ceiling of 28,000 Southeast Asians for the next three fiscal years. Rep. Chester Atkins (D-Mass.) introduced a companion bill in the House of Representatives. “The refugee program . . . will be dead in a matter of months unless Congress and the administration send a very strong signal of our continuing interest and commitment to the countries of first asylum,” Hatfield said when he introduced the measure. “President Reagan pledges U.S. support for a continued refugee resettlement and protection program, Secretary Shultz travels to the region and reiterates support. But then the INS drops the ball,” he said, expressing frustration with U.S. rejection of refugee applicants for resettlement. “What you end up with is confusion among the first asylum countries, confusion which has led to the ominous situation the refugees now face.”

Impetus for change has also come from another quarter—the Supreme Court. In a March 1987 decision in INS v. Cardoza-Fonseca, the court concluded that INS officials have judged the persecution claims of those seeking asylum in the United States too strictly. That decision may affect refugees in search of resettlement, as well as asylum seekers here. Following the judgment, a U.S. State Department cable indicated that although “it is too early to know precisely what effect the decision will have . . . clearly the use of a lower standard . . . will result in more people being eligible for asylum or refugee admissions than previously.”

Still other suggestions have come from nongovernmental sources. At a June 30, 1987 Senate hearing on the U.S. refugee program, Doris Meissner, senior associate with the Carnegie Endowment for International Peace, recommended
that the United States create the status of "special humanitarian refugee" for certain persons as a way of introducing "more flexibility into our law and policy." Meissner explained that the classification should apply to those who do not meet the strict definition of refugee, but whose cases warrant resettlement rather than immigration processing, since they would be in "desperate first asylum situations or otherwise extreme conditions."

**ODP/Conditions in Vietnam**

Begun under UNHCR auspices amidst the boat people crisis of 1979, the Orderly Departure Program is meant to be a means for encouraging refugees and immigrants to take a safe and legal avenue for leaving Vietnam. Through May 1987, approximately 60,000 came to the United States via the program, the largest of the legal emigration arrangements that Vietnam has with several countries. There is a question, however, about the extent to which these people represent a diversion from the boat refugee stream.

For nearly the last two years, a reduction in ODP exits has added pressure to efforts seeking fresh or renewed approaches to boat flows and refugee asylum populations. Vietnam stopped interviewing new applicants for ODP at the beginning of 1986, chiefly complaining that 22,000 Vietnamese whom it had cleared for departure to the United States were caught in a U.S. processing limbo. Until Hanoi indicated recently that interviewing of new ODP applicants could resume, observers feared that the program was very close to shutting down. Such interviewing began in mid-September, 1987.

Despite these assessments, major questions such as how governments will agree on the basic caseload of the ODP, and where refugees will fit into those decisions, appear unresolved. In the past, Vietnam has been less than forthcoming about who has access to the program. One well-informed source in Southeast Asia contends that cumulative departure statistics suggest that Hanoi is making the ODP available mainly to ethnic Chinese, an unwanted population in Vietnam. Also, it is not clear how the anticipated revival of the program will affect the fate of persons whom the United States considers priorities, including reunification of immediate family members; re-education prisoners; and Amerasian children, sons and daughters of U.S. servicemen and their Vietnamese partners.

The vast majority of the 672,000 persons in the ODP computer file at the U.S. Embassy in Bangkok represent reunification cases. But in recent years, the United States has been criticized for increasingly making them part of its immigrant caseload, and bogging down applicants previously qualified for refugee admission in the long delays that often characterize immigration processing.

So far, Hanoi has refused even to discuss the resettlement of re-education prisoners, fearing that those freed would work against the government once they
arrived in the West. The ODP helps a fraction of those who need it, Nhat Tien, a former refugee and a Vietnamese community leader, charged recently. "It cannot rescue those political prisoners such as intellectuals, journalists, writers, actors, teachers and military officers of the former regime who, though fully qualified to be considered 'political refugees,' languish in prisons throughout the country," he said.

Prospects for Amerasians are somewhat more encouraging. At the insistence of Vietnam, the United States agreed nearly a year ago to negotiate Amerasian departures on a bilateral basis. Vietnam and the United States held talks in Hanoi in early September to discuss the resumption of interviewing for Amerasian resettlement. About 3,700 Amerasian children have entered the United States through ODP. There are an estimated 8,000-12,000 Amerasians still in Vietnam.

The news about Hanoi's decision to revive ODP is one of a series of events which have suggested that the government of Vietnam is changing in some respects. Several long-time leaders stepped down in December 1986, and they have been replaced by less rigid economic reformers who are said to be concentrating on trying to curb the country's runaway inflation.

Recent visitors to the country have already reported modest liberalizations in the commercial sector, but others who observe human rights in the country strongly maintain that Vietnam is still far from offering political freedoms that would cause people to forget about trying to escape. "We are not aware of any significant changes in the human rights area that would give us reason for optimism," a U.S. State Department official told USCR in July 1987. And groups such as Amnesty International and Asia Watch also continue to give dim assessments of political and social conditions inside Vietnam. "The government continues to be hostile toward basic rights in international law," the latter observed in a February 1987 report.

**Piracy in the Gulf of Thailand**

Vietnamese boat people who reach the shores of first asylum countries in Southeast Asia have often already survived the greatest danger of the South China Sea—piracy. The pirates who attack refugee vessels are, for the most part, opportunistic Thai fishermen who believe the boat people carry valuables with them to subsidize their lives abroad.

Based upon the accounts of boat refugees who arrive in Thailand—to a more modest degree, some refugees who reach other countries also report assaults—UNHCR estimates that pirates caused the disappearance of more than 1,300 refugees, abducted several hundred others, and killed and raped nearly 800 and 1,100 respectively during a six and one-half year period ending June 30, 1987. These calculations are very conservative. Attacks have been occurring since boat
Amerasian children say goodbye to each other at processing center in the Philippines. Many Amerasian children remain in Vietnam.  

Paul J. Torveda
people first started escaping from Vietnam, but records were not kept until the early 1980s. Also, many assaults have gone unreported, and statistics rarely reflect their full severity. Because pirates ram and sink refugee boats, those killed often disappear at sea, beyond the notice of officials who track piracy. Those refugee women who have been released have often been repeatedly raped by their pirate captors. Survivors are often understandably reluctant to talk about their experiences.

Finding an answer to the tragedy of pirate attacks against Vietnamese boat refugees has been long and arduous. When USCR investigated the problem in 1983, more than half of the refugee boats landing in Thailand had been assaulted. UNHCR was operating an anti-piracy program, but it was short-handed, mis-focused on sea surveillance, and badly administered.

Much has changed since then. Attacks have declined significantly and arrests and convictions of pirates have increased dramatically. According to UNHCR, Thai naval and police forces apprehended and charged 50 suspects in 1986, or 20 more than they had in the previous four years combined.

Much of the credit for this progress belongs to Thai federal and local officials. For example, despite the criticism that Thai police are uncaring about refugees, one Marine police officer in Songkhla whom USCR visited unannounced was found carefully studying piracy case files. In the Thai village of Ban Budi, USCR observed another officer interviewing a piracy victim. "You wouldn't have seen such a thing happening a year ago," one Western source commented, adding that cooperation by Thai police had increased markedly. Also, police anti-piracy stickers were displayed around the southern port of Pattani, and are believed to have increased public awareness of the piracy problem; several non-Thai sources spoke highly of Thai police who, on their own time, at their own expense, and with considerable effort, have tried to apprehend and convict suspects.

Other improvements have also taken place. After a 1985 internal review, the UNHCR anti-piracy program hired full-time staff who work effectively with Thai officials; it also began to emphasize the role of land police work. The shift away from a heavy emphasis on air and sea surveillance of the Gulf of Thailand is considered to be a great improvement. Colonel Kiat-kong Nanthakit, the Deputy Commander of Thailand’s Marine Police, attributed the increase in arrests to the fact that his men now have informants who can help them to make apprehensions due to greater availability of funds.

While these steps are welcome, they should be tempered with caution. The seas that have always been the most dangerous for boat people—those between the southern Thai coast and international off-shore oil rigs—remain risky. During the first six months of 1987, pirates assaulted nearly one-third of the 59 boats which ventured there. Crimes are not only committed on the water, either. In eastern Thailand, attacks by local villagers against arriving refugees—including
robberies, as well as violent assaults—have increased. Thai navy personnel were allegedly involved in the rapes of some refugee women.

Although abductions declined during the first half of 1987, they remain a major concern. Prior to this year, the percentage of abductees who eventually arrived safely declined sharply. One well-informed source suggested that the decrease may have reflected an appalling practice—pirates, he theorized, were regularly killing off boat people because they were aware of increasing arrests and wanted to preclude any chance of being identified. Mostly young women, very few abductees have been found through police work, despite misleading official statistics which list some as being “recovered”; that term actually means that those kidnapped either escape from captors, or are released and make it to safety on their own.

Many have suspected that pirates sell abducted women into prostitution, but several sources told USCR that police had failed to turn up that sort of trade. These informants theorized that abductees are kept on the water where their kidnappers can escape arrest easily and the women are hard to detect and serve as “pay” to fishing crews. Details of Thai police investigations were not made available; some sources indicated that Thai authorities do not even try to patrol some remote and lawless sections of southern Thailand.

The methods boat people are now using to reach Thailand may also have contributed significantly to the decreased rate of attack. In 1986, for the first time, the eastern part of the country was more popular than the south as a landing point. More than 75 percent of the refugee vessels and nearly 60 percent of the 4,400 boat people who came to Thailand arrived in the eastern corner of the country near the Thai/Cambodian border. Although boat and refugee arrivals in the south are up considerably this year, 80 percent of the boat landings in Thailand—and a comparable percentage of refugees—went to the east during the first six months of 1987. The waters in that region have never been known for piracy to begin with, and the pirates who do operate there are up against more difficult odds trying to prey upon refugee boats. Unlike escape vessels which venture haphazardly into open water, those which head for eastern Thailand face journeys which are shorter and easier to conceal; often, too, such voyages are well-organized by smugglers and thus, “protected” from interference.

Currently, two major anti-piracy programs are in operation. Eleven donor nations agreed recently to continue supporting the long-standing UNHCR program. The United States remains the single largest contributor, having agreed to pay for approximately 40 percent of present program costs. Also, the United States exclusively subsidizes a bilateral anti-piracy arrangement with Thailand, under which police informants are paid and counseling services are provided to attack victims. Since it began in late 1985, the bilateral effort has been regarded as an important complement to the UNHCR program.
The international anti-piracy program is increasingly focused on land police work, but the shift has yet to go far enough. The Royal Thai Navy retains a major, though reduced, portion of funds, while local police lack resources. However, it has proven ineffective and is not regarded as an important element in the piracy battle. It has made virtually no arrests, while receiving two-thirds of the millions that have been spent on international anti-piracy measures. By comparison, the less equipped and smaller-staffed Songkhla marine police, a unit which conducts off-shore patrols, captured the majority of piracy suspects last year.

Although at least one international review team has recommended curbing the Navy’s role, sources say it is likely to continue to receive a substantial percentage of anti-piracy funds for a variety of bureaucratic and political reasons. “Since piracy is an international crime, it follows that an authority that is responsible for international waters be a lead agency,” a source explained to USCR. “Also, the National Security Council [the Thai agency which administers anti-piracy funds] has a bias toward the military, and it sees piracy as a military situation.”

Furthermore, this source suggested that Thai authorities would embarrass the Navy if they drastically reduced its role, something he described as an unattractive prospect in a country where “image, reputation, and name” are important. Consequently, UNHCR officials have felt restricted to trying to gently coax the National Security Council into budgetary shifts that give more money to land and marine police.

But reprogramming funds is not expected to erase all difficulties, or to draw a deep and widespread anti-piracy commitment among Thai officials. For example, only a very small percentage of the money which goes to land police units actually reaches the field; the bulk of it is lost on vague administrative costs at regional police levels. And, years after UNHCR anti-piracy funds have been spent on a registration scheme for the Thai fishing fleet and improvement of a naval airport at Songkhla, both projects remain unfinished. The latter, aggravated by the way it has been handled, has always been of highly questionable value in the war against the pirates. At the same time, police in the south are preoccupied with combatting a major drug trade, and authorities remain sensitive to criticism about the piracy issue.

Although anti-piracy measures appear intact for now, extended support for them is by no means a certainty. The United States, far and away the world leader in contributions, is on record as wanting to reduce its financial help substantially. For example, the U.S. FY 88 budget request of $1 million in anti-piracy money reflects a decrease of $750,000 from current levels. U.S. State Department officials told Congress in March 1987 that the proposed cut-back stems from “continued emphasis on lower-cost, land-based law enforcement programs.”
Rescue at Sea  Sea rescues of boat people are not as frequent as they once were. Some of the most recent UNHCR figures show that nearly 14 percent of all boat refugees who arrived in asylum from January through November 1986 were saved by either commercial vessels or mercy ships. That portion is smaller than the percentage for 1980—22 percent—but above the percentage for 1984, when ships took on board only about 9 percent of arrivals. Since 1980, 48,000 boat people—one sixth the number of refugees known to have left Vietnam since the beginning of the decade—have been saved on the water, according to UNHCR.

Reasons for the dramatic decline in rescue in the early 1980s may include the fact that fewer ships were in the South China Sea because of economic recession, and that some ship captains said they had difficulty spotting boat people because refugees tended to travel in increasingly smaller escape craft.

More important, captains had become worried about the cost involved in rescuing and disembarking boat people. To be sure, not all shared that view; for example, crew from the U.S. merchant ship Rose City received the 1984 Nansen Medal because they saved the lives of 85 boat people who had been caught in a storm. Nevertheless, UNHCR has noted the “sad reality that... the response of the maritime community to the plight of Vietnamese in distress at sea became less than magnificent as the years went by.” It reported receiving accounts of ships deliberately ignoring boat people’s distress signals between 1983 and 1986, saying that many of the ignored ultimately perished at sea and “would not have died had a shipmaster [agreed] to take them on board.”

Conditions have improved since 1985 when UNHCR introduced special programs to encourage commercial ship rescues. RASRO, Rescue at Sea Resettlement Offers, encouraged governments to provide annual resettlement guarantees for those rescued by commercial ships. DISERO, Disembarkation Resettlement Offers, have helped assure that rescue ships are not delayed in port because they are carrying refugees. But these programs sometimes run up against the same problem that confronts all boat people—inadequate resettlement offers. During USCR’s site visit to Hong Kong in late 1986, a temporary regional center for refugees who had been picked up on the water was almost full, and showed little sign of emptying, much to the concern of officials and refugee workers. Hong Kong permitted the center’s existence only because it had been assured that refugees would move on relatively quickly through RASRO, but the offers never materialized.

Most rescues occur only in the busy sea lanes between Singapore and Hong Kong and some officials admit that “compassion fatigue,” coupled with concerns about costs, still diminishes the maritime community’s interest in taking aboard refugees.
Also, according to the figures USCR received, one-third of the refugees who were saved during most of 1986 were rescued by mercy ships—vessels specifically intended for picking up boat people. In 1985, nearly one-fifth of refugees who arrived in asylum were rescued by such vessels. Also, there is reason for concern judging from a July report filed by authorities in Hong Kong, a prime disembarkation point for saved boat people. Only 16 rescued refugees, all aboard one ship, came to Hong Kong during the first half of 1987, compared to 238 who arrived on five ships during 1986.

U.S. officials are supportive of commercial ship rescue, yet they discourage the deployment of private mercy ships, viewing them as pull factors that attract boat people, expose them to attacks, and amount to superficial solutions in the end. The U.S. Navy has not participated in rescue operations since 1981, even though naval planes were seen flying low over the area where many of this year's rescued refugees were found. Private rescue efforts have continued nonetheless, but they have been limited by two factors: the reluctance of governments to accept the refugees which the crews take on board, and the cost of operating the vessels.

The mercy ship Regina II abandoned its mission in 1986 once it became clear that resettlement offers did not exist for more than one-third of the nearly 900 boat people it had saved. Eventually, West Germany took in those refugees. The Rose Schiaffino, a mercy ship sponsored by U.S. and European groups, set sail in the South China Sea this spring and, together with the French Navy, reportedly has rescued more than 900 boat people. France accepted virtually all of those rescued after originally granting only 300 visas, while the United States took none.

Mercy ships “aren't superficial to the people who have been rescued,” Nguyen Xuu Xuong, director of S.O.S. Boat People, has said. Yet, not everyone in the refugee community appears convinced that large scale, privately funded sea rescues are the best investment of available resources. The estimated cost of operating the Rose Schiaffino is almost a million dollars. Some in the Vietnamese community suggest that funds may be spent more effectively training and educating refugees to work in government and policy arenas for more humane approaches toward boat people.

**Conclusions and Recommendations**

In 1979, governments around the world joined together in an unprecedented way to rescue and preserve asylum for hundreds of thousands of Vietnamese boat refugees. The immediate solution was obvious: nations would resettle large numbers of the refugees, decreasing the pressure on countries offering first asylum who feared being overwhelmed with this and other new refugee populations. The solution worked magnificently—for a time.
"The whole resolution of the refugee problem turns on U.S. involvement ... not as bystanders dealing with the symptoms, but as activists working toward the solutions."

Photo credit: Wendy Roberts
Certainly, those who then agreed that resettlement was the necessary, and only, option could have reasonably expected that, over time, additional solutions would be found, as well, to rescue innocent people and to protect first asylum. But as it has turned out, effective and humane alternatives to third-country resettlement have not received adequate priority in the foreign policy of the United States or other key governments.

In the meantime, boat refugees continue to arrive in the region; men, women, and children—whose only "crime" is flight—remain in prison-like detention for years; and first asylum countries ask the West why its commitment to resettlement is waning. They raise the specter of involuntary repatriation as their solution, an option which is absolutely unacceptable. This must not be allowed to continue.

Leadership from the U.S. government and from UNHCR is necessary to produce a new international consensus, as all nations—those that produce refugees, those that shelter or resettle them, and those simply committed to humanitarian principles and international law—must take part in ending this ordeal. It is time to work with Vietnam to end the human rights abuses which create the refugee flows; time to end the imprisonment of the "long-stayers"; time for Southeast Asian nations to assure their willingness to offer first asylum even as resettlement continues and additional solutions are put in place. The United States must become more effectively engaged in resolving these issues, rather than simply reducing its commitments to resettlement.

Until this takes place, the lives and futures of innocent people are at stake. For their protection, the U.S. Committee for Refugees makes the following recommendations.

1) While seeking a more comprehensive approach to meeting the humanitarian needs of Southeast Asian refugees, the United States must rededicate itself to preserving asylum for Vietnamese boat people and other refugees in the region by maintaining a responsive resettlement program.

The Reagan administration has repeatedly confirmed that preservation of first asylum remains the principal U.S. refugee policy goal in Southeast Asia. That goal has not been given sufficient priority to date. Achieving it still hinges on generous resettlement, an approach the United States and the international community have increasingly been prepared to support. Restrictive resettlement practices have directly contributed to the noticeable erosion of first asylum.

While continuing adequate resettlement, the United States should give high and immediate priority to planning and carrying out a more comprehensive program for preserving first asylum throughout Southeast Asia. It should not only rely on traditional refugee-related approaches, but should also involve whatever other economic, political, or security leverage is available and effective. Then—and only then—will the United States be in a position to rely on durable solutions.
other than resettlement in a responsible way, and yet preserve first asylum for those who need it.

2) The United States should lead the international community in addressing the issue of long-stayers by seeking permanent settlement for those who have remained in refugee camps the longest.

On the resettlement side, it could begin by further relaxing its P-6 restrictions. Another approach would be to make liberal use of the “humanitarian parole” authority available to the Attorney General.

The United States should also put greater pressure on the first asylum countries to offer local settlement to some of the long-stayers. Hong Kong has set a praiseworthy example in resettling at least 14,500 Indochinese since 1979, and the Philippines has also resettled several thousand. Surely, the ethnic balances of Thailand, Indonesia, and Malaysia would not be upset if each country resettled two or three thousand Vietnamese.

Finally—although it might take too long to implement to help this group of refugees—an ambitious alternative that could help avoid this kind of situation in the future would be to amend the Refugee Act of 1980 to allow admission of some number of individuals each year with “special humanitarian status.” This designation would apply to people the United States chooses not to admit as refugees, but who are otherwise of special humanitarian concern.

3) The United States and the international community must find ways to engage Vietnam directly in addressing the root causes of refugee flows.

Human and civil rights abuses, oppressive economic policies, food shortages, fear of military service in Cambodia or Laos, and other factors all have contributed to the flight of Vietnamese from their country. Primarily because of its continued military occupation of Cambodia, now entering its ninth year, Vietnam has been isolated, politically and economically, by the ASEAN nations, as well as by the United States and other resettlement countries. It is time to ask if some form of more active engagement would not be more effective in promoting greater peace and stability in the region. In this regard, it is encouraging to note the August 1987 visit to Vietnam of special presidential envoy, Gen. John Vessey, to discuss a wide range of humanitarian issues.

It is encouraging to see that the Orderly Departure Program apparently has been revitalized. In the ongoing negotiations that will be necessary to sustain the program, the governments involved should stress flexibility and avoid the fault-finding and posturing of the past.

Whether it is operated through UNHCR or on a bilateral basis, the U.S. ODP program should continue to allow family reunification through both refugee and immigration channels. Efforts should be made to assure the program is more
responsive to the needs of those who, because ODP is not a realistic option, continue to opt to leave Vietnam surreptitiously by boat.

Several years ago, Vietnam made, and then withdrew, an offer to release large numbers of political prisoners providing they be resettled in other countries. Recently, Vietnam released some prisoners, but no provision is in place for those who wish to resettle, and thousands remain prisoners. This is so serious an issue that it should be made a clear condition of any improved economic relationships between the United States and Vietnam.

The U.S. Congress should provide appropriate legal mechanisms and funding to expedite the admission of Amerasians and their families.

5) Thai officials must improve the conditions under which Vietnamese refugees are confined in Section C at Phanat Nikhom Camp, Thailand.

While Thailand has has been responsive to boat refugees since the days of the first escapes, its current practice of shunting Vietnamese into the overcrowded and restricted area of Phanat Nikhom known as Section C is inappropriate.

Vietnamese refugees deserve more than lives as virtual prisoners. For the sake of protecting their dignity and health, they should be given greater freedom; adequate social services; and a chance to be productive. Vietnamese-speaking counselors should be available, especially to victims of pirate attacks.

6) The excellent efforts of current anti-piracy staff to protect refugees on the water should be sustained.

Thai authorities, especially the marine police, deserve much of the credit for recent headway in the battle against piracy, a fact which must be recognized and praised. The present anti-piracy staff of the UNHCR and the United States have been instrumental as well, in bringing about improvements. Generally, both are known for their professionalism and their ability to work closely with Thai officials. It is important that their numbers and staffing composition be maintained.

The role of the Navy as an anti-piracy unit should be re-evaluated. Although the cost of its involvement has diminished over the years, it remains an expensive participant which has produced far too few results. Put simply, money which is currently going to the Navy might well be directed toward more productive anti-piracy forces such as land and marine police.

Attacks against boat people must be reported accurately and regularly. Too often, official counts of assaults are based upon aggregate statistics which can present a distorted picture of the extent of piracy.

A special task force of Thai and UN officials, and other appropriate parties, should be formed to investigate the fate of persons kidnapped by pirates. An assessment of current approaches to this problem should be conducted by appropriate personnel and recommendations made for improvements.
Governments should give UNHCR the support it needs to assure that boat people are rescued at sea, as mandated by international law. Ship captains should be encouraged to take advantage of RASRO and DISERO.

Finally, as Senator Mark Hatfield noted in a recent speech, “The whole resolution of the refugee problem turns on U.S. involvement in the diplomatic process, not as bystanders dealing with the symptoms, but as activists working toward the solutions.” In large part, the humanitarian response to Southeast Asian refugees which began a decade ago was a result of the United States leading the rest of the world as activists, not bystanders. Literally hundreds of thousands of lives were saved as a result. That resolve is still needed today. The numbers of boat people are not unmanageable. With the right blend of will and action, nations can work together both to protect asylum and to seek humane and lasting solutions to the protracted dilemma of the Vietnamese boat people.

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