

The Final Phase of Southeast Asian Asylum? —Some Unfinished Business

C. Michael Lanphier

The situation of Southeast Asian refugees has moved into another phase, and possibly the final phase, in its convoluted history spanning more than two decades. This phase marks massive repatriation of peoples back to regions once their homelands of their parents. This phase follows that introduced with the Comprehensive Plan of Action in March 1989, which incorporated a screening process to determine refugee status of new arrivals from that point forward.

The present phase represents the participation not only of the countries of asylum but more importantly the countries of return—Laos, Cambodia and Vietnam—in a “normalization” of relation among states. The political implication in each state differs, but overall it is intended that returnees become stakeholders in the larger process of redevelopment of the country. The states of Laos, Cambodia and Vietnam for their part become partners in a developmental process. If successful, not only will these countries take their place with others in the region as growing economies, but human rights will be an integral part of this development.

Laos

For Laos, development involves the repatriation of the majority of Lowland Lao and Hmong hilltribes people. Although the official estimated number in camps is some 51,512 persons, only 11,244 were counted as returns by the end of 1992. The schedule calls for the return to be complete by the end of 1994.

While in comparison with other countries, this number appears small,

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the process is in reality quite intricate, involving transitions for two distinct ethnic groups and challenges to the developmental economy.

Thailand for its part is eager to hasten the departure. It has closed several refugee camps, including the large northeastern Thailand Hmong camp, Ban Vinai, in November 1992. Then some 9,000 Hmong were transferred to a long-established mixed camp, Ban Nam Pho, now called a “repatriation centre” in the same region.

Yet the enthusiasm for return to Laos appears mixed at best. The Vientiane government is willing to provide a modest allotment to returning groups of seven acres of land, farm equipment and rice consignment. Its interest focuses upon repopulating the rural areas for agrarian development. Much less enthusiasm exists for prospective urban returnees, and no incentive is awarded for settlement there.

Lowland Laotians still in camp view the invitations to return as a joint move on the part of Bangkok and Vientiane. Knowing that they have “overstayed their welcome” in Thailand, they are uncertain that an amnesty effectively exists. In a conversation with the informal leader of Camp Ban Nam Pho, who with his wife had spent 17 years there, he resisted possibilities of joining his son or daughter, now resettled in North America, because he wished to return “home.” Yet because of his involvement with the U.S. armed forces during the war, he could not be certain that even a near two-decade hiatus would be sufficient to cause retributory action to fade.¹

Hmong, Reticence

The Hmong retain a deep distrust of the Vientiane government and are resisting resettlement. In an survey con-

ducted among the Hmong in Ban Vinai camp, Rabé (1990) found that none of the members wished to return. Rather, they remain suspicious even if the government might guarantee personal safety and economic freedom. As the spectre of return appears closer, requests for third-country resettlement (mainly the U.S.) have augmented. Likewise, unknown numbers have disappeared, presumably into the northern hills of Thailand, where extended kin may be found and the agricultural region is somewhat similar.

The socialist Lao government intends to continue to develop agriculture as its principal economic base. As such the return of former citizens is an attractive prospect. The government appears in no haste to mount training programs for its agricultural economists and planners, however. Although the Thai university system has offered to collaborate in planning such programs tailored to specifications, university officials have not received warm enthusiasm from their opposite numbers in Laos. Nevertheless, information exchanges continue, and there is no sign of deterioration of relations. Thai and other international officials are far less eager, however, to assist underground agents in facilitating the new route for drug trafficking now passing through the northwest of Laos. Apparently a substitute for routes through Cambodia, the new route extends the flow of hard currency into Laotian coffers and makes this venture extremely difficult to extinguish.

Cambodia

Movement to the “final” phase was signalled by the commencement of return in early fall 1992 of more than 300,000 Cambodians from border camps. Strictly speaking, most returnees from this protracted exodus

of more than 15 years were not even considered refugees; rather they were *displaced* in "temporary" camps. This form of diplomatic newspeak perhaps foreshadowed even more ambiguity upon return.

The much-delayed return of Cambodian refugees has added to the frustration felt by the Thai government in serving as a "temporary" asylum for refugee groups from the three South-east Asian countries for nearly two decades of a retarded Western resettlement program since the mid-80s (Rogge, 1991, Tasker, 1990). Threats of closure of Cambodian camps have posed problems for international plans as well as for Cambodians who ill-appreciate their buffer position on the Southeast Asian political game board

that the Cambodian camp situation has been the best financed and staffed of any among the current world refugees. Rogge (1990) notes that the array of NGO services has been the most extensive and of longest duration on record. This asset may well turn into a liability upon return, however.

Financing and Logistics of Return

At long last, however, this repatriation campaign may be one of the most successful yet launched by the UNHCR, with some 92 per cent of the \$84.3 millions sought being pledged by August, 1992, by more than 30 donor countries and organizations (UNHCR, 1992). Projects range from the community-oriented to assistance for individual farmers. Moreover, in the late 1980s

Characteristics of Camp Population (late 1990)

Over a third of the large camps is composed of children under 10 years of age (Rogge, 1990, Thorn, 1991). Not only is the dependency ratio unusually high therefore, but the ratio represents a cohort of children who know nothing of their homeland, nor life, outside the camps. Clearly, these young persons will face repatriation as a type of immigration. Familial rôles perforce will change from camp life without a reference point for these young children.

Vulnerable Females

In a comprehensive study of Cambodian camp life, Thorn (1991) operationally defined women "vulnerable" if they fell into one of the following categories: a handicapped husband or widows with children or lone women. They form about 13 per cent of the total camp household population (Thorn, 1991). Females are heads in 21 per cent of camp households. Vulnerable women in camp are further impeded by low skill level: 78 per cent have no skills at all, while the remainder have some skills in small business. Only a third (predominantly the younger) are literate enough to read large-print text. (*Ibid.*)

For the refugees themselves, camp personnel reported that such concerns as how child care would be assumed, whether relatives would help; what kind of work one might perform were ill-considered. Some two out of three did not know where relatives might be found (*Ibid.*).

A decade or more of camp life has blurred network lines and blunted some of the harsh day-to-day household choices. Prospective returnees expect that (UNHCR, Cambodian) government will provide necessities for resumption: food, tools, medical assistance.

In Cambodia, the Women's Association of Cambodia (WAC) is attempting to re-establish networks, develop self-help groups and to set up local credit-union schemes to assist all women, although this would be of es-

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(Muntarhorn, 1990). The disappearance of the Thai government's patient attitude toward the self-serving dual politics of resettlement and repatriation by Western states and international organizations increased pressure for repatriation, whatever the outcome for refugees.

Helton (1992) distinguishes between the desirability of repatriation and the conditions under which it occurs. There is little question that many host countries would welcome the relief of not having to continue harbouring large cohorts of refugees. An important component of a return process is the assurance against retribution: a return with "safety and dignity" (*Ibid.*). While there can be no fast guarantee of assured protection, the main safeguards are the unrestrained access of NGOs and UNHCR to the returnees and the elimination of "attendant risks": both physical (mines) and political, absence of armed hostilities which would precipitate another round of persecution.

The irony of an uncertain return appears even starker in light of the fact

there appeared to be a fit between the timing of projects, funding and movement of peoples, so that initial movement logistics were effected with an unusual degree of efficiency.

Nevertheless, prospects for success for the massive return of Cambodians are now shrouded in uncertainty at best. By late 1992, the "peace plan" so optimistically heralded less than a year prior appeared in political tatters. The Khmer Rouge declined cooperation with the Red Cross and violated cease-fire agreements. For their part, the other forces, including the State of Cambodia has lacked instruments of governance, so that services in health, agriculture, education have virtually collapsed instead of being bolstered (Jantzen, 1993).

Political organization has further deteriorated with the vacillation of the key solidarity-building symbol, Prince Sihanouk, with respect to his participation in party and government-building. The political conditions for the returnees from Thailand certainly lack the kind of stability upon which a massive reinsertion depends.

pecial significance to vulnerable women. They propose a code of ideals: hard work, literacy and education; cooperative solidarity, child-rearing, family harmony. This type of constructive networking appears critical to reintegration, given the paucity of contacts between returning refugees and relatives remaining in Cambodia. Sinnois (1990) observes that the WAC's sharing experiences would allow women "from both sides" to learn from each other and to be efficient program implementors during reintegration and reconstruction phases. This optimistic scenario is predicated upon a peaceful milieu for return, however. Otherwise, the organizations and women whom they serve would be politicized, with little attention to the original purpose.

There is a significant number of unaccompanied minors (between 1,000 to 4,000, a number in dispute [Rogge, 1990]), who, lacking kinship ties and parental guidance, so important in Cambodian society, will require special assistance in any form of reintegration. Many may have survived both physically and socially to this point through the infusion of camp social services; no such extension will necessarily occur after repatriation.

A certain amount of spontaneous return has occurred, estimated from 50,000 to 100,000 returnees. These returnees consist mainly of some mature males, returning to kin and reassuming a rural lifestyle; the other group would consist of youthful males with experience in border-running and vigilante activities. These youths typically seek an urban setting for their "street-smarts" (Rogge, 1990). The latter group especially poses a serious problem of reintegration into civil society and may well constitute a new "underlife" in Cambodia.

Impediments and Remedies

Lack of arable land. Although a UNHCR land-identification mission reported finding some 240,000 hectares of "potentially arable land" in the western provinces, where most of the returnee population is expected to relocate, this

allotment was both insufficient and, more important, inappropriate for distribution.

Cambodian custom calls for land being distributed at the district level, so that any centralized plans are doomed from the inception (Robinson, 1992). Upon further inspection, the available land turned out to be unsuitable for agricultural use or mined.

Yet the non-trivial result of the addition of the cash assistance option was a dramatic increase in the number of returnees, averaging some 30,000 per month since July, 1992 (*Ibid.*).

Kinship reunification. The distribution of returnees has spread well across the country, with only some 55 per cent opting for the Battambang region. The remainder have taken advantage of special trains for Phnom Penh and the east. While initial resettlement does

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not guarantee continuation of the trend, by November, 1992, some 35,000 returnees have located east of Phnom Penh. That number is somewhat smaller than expected from projections by birthplace, which indicated that some 100,000 returnees came from eastern regions (*Ibid.*). Nevertheless, returnees are frequently relocating with kin in hometown regions. There appears little initial problem of absorption of returnees in the more sparsely populated central and eastern regions. That trend competes to some extent with the undeniable attraction of larger cities, especially Phnom Penh.

Reports from western city of Battambang indicate that effects of the highly orchestrated UN effort persisted beyond the expected few weeks. Returnees have continued to enjoy UN-provided benefits and appear to

expect the lingering institutional presence (*Ibid.*). Their location has usually been determined by proximity to the food distribution centre, with the cash allotment facilitating initial adaptation. Whether additional "welfare safety nets" can be supplied as the allotments are exhausted remains an open question. Little evidence of replacing the UN rations was evident in the early stages (*Ibid.*).

Financing and logistics of return. Formidable challenges remain, however. Literacy rates are low, especially among women. Health practices remain tied to traditional methods for women, which fail to include modern hygienic conditions surrounding pregnancy and childbirth. Not only is infant mortality high even in hospitals (9 per 1,000) but lack of knowledge about sanitary practices leads to complications in normal aftercare.

Most adult householders in camp expressed an interest in returning to farming jobs upon return (Rogge, 1990). In light of the long absence from the land, this profile appears highly optimistic. Of further concern, the amount of land to be distributed far underreaches demand. Land mines still punctuate the countryside, to add to the peril. Rogge (1990, Ch. 9) notes that while some agricultural training took place in camps, none offered marketing techniques required for current-day practices. Occupational alternatives may therefore widen, despite the predominant interests in farming. Returnees may seek opportunities in urban areas in far greater numbers than anticipated.

Participation in the commercial economy appears limited for women to food-related areas: small shop-keeping, selling fresh foods, etc. There appears no easy entry to work in areas of higher commerce or bureaucracy without special training, of which most women are deprived. (Sonnois, 1990, pp. 4-7).

The informal commercial sector appears to be the only point of entry, especially for those returning to urban areas. While profiteering is possible, it is even more likely that labour will be

purchased for the lowest possible price. Nor can any safeguards for women's security be assured. Exploitation both of work-related and sexual varieties is possible if not likely.

Overall, the Cambodian final phase is a chapter still to be written, with many sub-plots, both political and social. In sheer logistical terms, it represents one of the most important movements of the era. While timed to fit the larger political agenda of the first country-wide election in Cambodian history, the social dilemmas of return to a homeland with a new generation of children who remember nothing but border camp life stand as stark challenges. Yet in Cambodia's fractious and terrifying history, this experience represents another milestone.

Vietnam

Of the waves from the three Southeast Asian states, the largest by far has been the Vietnamese, as indicated in Table 1. In 1992 the UNHCR counted some 101,444 Vietnamese in camps scattered in nine countries throughout eastern Asia from Korea to Indonesia, with half that number harboured in Hong Kong camps and detention centres. To date, they represent the largest group still detained in camps.

The proportion of asylum-seekers being "screened in" as refugees has hovered about the 12 percent mark, or about 1,200 cases per year. With the introduction of the CPA agreement in 1989, countries of first asylum, especially but not exclusively Hong Kong, have been pressing Vietnamese asylum-seekers not to disembark from their boat voyage to presumed safe harbour. If the new arrivals insisted, they were accorded the very minimum of privileges in a régime which represents detention, rather than asylum. The graphic narrative of Joe Thomas and the survey of Loughry et al., in this issue provide a well-rounded account of the recent past and current state of affairs in Hong Kong. Suffice it that the chances of gaining refugee status have diminished to the very minimal.

In early 1992, arrivals by boat dramatically ceased; by comparison, some

20,200 asylum-seekers arrived in Hong Kong harbour in 1991. Complete details to explain this change are still a matter of some guesswork. Doubtless some boats were peremptorily turned back as they attempted to enter Hong Kong waters. It is also likely that signals from traditional resettlement countries have been interpreted as unambiguously negative. Word of the multiple disincentives administered by the Hong Kong authorities must have spread widely throughout the community of would-be departures in Vietnam.

Resettlement

Overall, more than 730,000 Vietnamese have been resettled since 1975. Of this total, resettlement activity has absorbed about 8,500 refugees per year recently, a significant diminution from the earlier rates.² These numbers are governed by the overall CPA quota agreements as well as by local factors of eligibility determination. As some countries, such as the U.S., re-apply refugee determination criteria, and all countries select according to various criteria of suitability for resettlement, the numbers selected reflect local priorities. At present Canada has more than filled its commitment of 9,400 refugees with a total to date of nearly 12,000 refugees. The United States has committed 18,799 resettlements, of which just over 16,000 have been filled. With the dramatic cessation of arrivals and the end of the CPA arrangements

in 1994, it may be expected that resettlements will taper this year and next as well.

A special problem for resettlement is the return of large number of unaccompanied minors, formally so classified as being under age 16 upon arrival. The number has varied from a year to year low of 2,000 to a high of 4,000 children. Some are attached to an adult caregiver; yet their screening is independent. Normally the child is screened on a priority basis, about 90 percent of whom are screened out and scheduled for return to Vietnam. If there is a caregiver attached to this screened-out minor, s/he immediately distances her/himself from the child, so as not to dim her/his own chances for qualifying for status. Thus the child is isolated both in departure and in the aftermath. Even though screened out for return, they languish in detention centres for months, awaiting an uncertain future without being able to affect it. Some unaccompanied minors have been in Hong Kong long enough to cross the age 16 upper limit. Their status is redefined to that of adult, even though they lack physical and psychological resources normally expected of adults to withstand the harsh conditions.

Of no less concern is whether women will be able to return, whatever the future may hold. They have found conditions in the camp extraordinarily harsh. Daily life is fraught with difficulties, from the lack of sani-

Table 1: Southeast Asian Refugees and Asylum Seeker, 1975-1992

	<i>Arrivals</i> 1975-92	<i>Resettlement</i> 1975-92	<i>Repatriation</i> 1975-92	<i>Camp Pop'n</i> late 1992 ^a
Laos	364,889	302,133	11,244	51,512
Cambodia ^b	260,647	234,014	14,612	12,021
Vietnam	860,149	730,604	28,101	101,444
Total	1,485,685	1,266,751	53,957	164,977

^a This count includes asylum-seekers, those who have been "screened out" as well as refugees in the camps throughout Southeast Asia.

^b This count does not include those considered "displaced," who were not in official UNHCR camps. The latter number represents another, 100,000 persons who by late 1992 returned to Cambodia.

Source: UNHCR, Geneva, September, 1992.

tary hygienic products to the instrumental use of sexual favours and marriage-of-convenience in order to gain some chance of exit. The latter appears necessary in part because many women have been passed over in the (already badly flawed) screening process.

Vietnam, Development

In some cases development assistance has been specifically directed to regions producing large numbers of boat people and those to which many asylum seekers will return. This direction in an erratic economic system, where local and expatriate Vietnamese and foreigners continue alongside centralized economic planning, appears as one of the few specific sources of state assistance.

As Vietnam receives more returnees and more foreign investors seeking financial opportunities, the Vietnamese legal structure as well shows signs of needing overhaul, despite recent attempts to reform. Codes for civil, commercial and labour law as well as regulations to adjudicate disputes are being formulated. But most of all, raising of awareness of law in the context of changing notions of democracy remains a problem in light of increasing incidents of corruption and smuggling. Vietnam will have to depend upon a wide-ranging public education program to instill respect and minimize cynicism (Murray Hiebert, "Miles to go," *Far Eastern Economic Review*, 29 July, 1993, 24-26).

Notwithstanding important changes pending for commercial legal undertakings, human rights climate has oscillated from harsh to the milder and back. Observers have cited periods of relative freedom both in political debate and in treatment of dissidents, followed by periods of surveillance and oppression (Murray Hiebert, "No middle path here," *Far Eastern Economic Review*, 5 August, 1993, 26).

Returnees to Vietnam receive some US\$250 per adult with promises of assistance and non-retribution for activities associated with their departure.

Reportedly, much of the allotment is spent on ration cards, and some local indebtedness, so that little if any remains for providing a base for resettlement. Unemployment is high despite important attempts of the government to restore agricultural productivity and build a transportation and communication infrastructure.

Asylees complain that, while the national government has long abandoned petty harassment of returnees in favour of economic planning and other society-wide pursuits, local districts continue to exercise discrimination and exclusion against those connected with the previous government or those who are suspected to continue to foster political dialogue or sentiments considered antithetical to approved socialist ideology. Withholding privileges is accompanied by still-widespread bribery practices as means of obtaining what might otherwise be accorded as a matter of right (Murray Hiebert, "Serving hard time," *Far Eastern Economic Review*, 29 July, 1993, 26).

There have been important changes in attitude toward repatriates at the national level in Vietnam. While there seems to be an even-handed approach to the treatment of returnees, corresponding changes have not occurred at the local level, where as many as 25 security officers are reputed working in a community of 2,500 members. Local surveillance and discrimination appears to be harking back to earlier days.

While international observers periodically scrutinize the overall system, it is much more difficult to examine the local level, where the difficulties appear to be more far-reaching and requiring investigation well beyond the capacity of short-range site visits.

Yet two factors may bring an important change. Various investments continue to be made, both in terms of macro development, as the United States has implicitly lifted its ban on investment on the part of its corporate citizens and in terms of specific investment in economic development by the EC and smaller national units (includ-

ing Canada's CIDA). Thereby, a widening financial base provides incentive to create jobs for all community inhabitants, including returnees. Correspondingly, returnees will invariably return in greater numbers, given the CPA timetable which terminates by the end of 1994. It would be simplest for the national Vietnam government to get on with the task of national (re)construction. Returnees can represent an asset in this formidable agenda. ■

Notes

1. Personal field notes.
2. These estimates are based upon data compiled by the UNHCR in September, 1992.

References

- Helton, A. 1992. "Repatriation or refolement," *Refugees*, No. 90, July, 38-40.
- Jantzen, William. 1993. "Rescuing the peace process in Cambodia," *Globe and Mail*, January 14, A19.
- Muntarhorn, V. 1990. "Refugee sanctuary," *Far Eastern economic review*, 12 April, 27.
- Rabé, P. 1990. *Voluntary repatriation: the case of Hmong in Ban Vinai*. Bangkok, Indochinese Resource Information Center, Chulalongkorn University, Occasional paper No. 2.
- Robinson, C. 1992. "Still trying to get back home: the repatriation of Cambodian refugees in Thailand," *Refugee reports*, 13 (Nov. 29), pp. 1-11.
- Rogge, J. 1990. *Return to Cambodia: the significance and implications of past, present and future spontaneous repatriations*. Dallas, TX, Intertext Institute.
- Rogge, J. 1991. *Repatriation of refugees: a not-so-simple "optimum" solution*. Winnipeg: University of Manitoba Disaster Research Unit.
- Sonnois, B. 1990. *Women in Cambodia: overview of the situation and suggestions for development programs*. Stockholm, Redd-Barna-Cambodia
- Tasker, R. 1991. "The road back," *Far Eastern economic review*, 26 September, 26.
- Tasker, R. 1990. "Thousand-yard stare," *Far Eastern economic review*, 8 November, 27-28
- Thorn, L. 1991. *From rice truck to paddy field*. Genève, UNHCR.
- UNHCR Public information Section, 1992. *Information bulletin on Cambodia repatriation plan*. No. 6, 3 August.