



CANADA'S PERIODICAL ON REFUGEES

REFUGEE

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Indochinese Refugees Revisited

When Ho Chi Minh and his compatriots fought against French colonization in the middle of the 20th century, they might not have imagined that one day the big city of Southern Vietnam would bear Ho Chi Minh's name. They might also not have thought that their struggle would end up with the liberation and unification of the country, and that this phenomenon would chase hundreds of thousands of Vietnamese from the town which bears his name.

Actually, the war, famine and fear of the new socialist regime drove the Vietnamese, the Khmer and the Lao people to flee their homelands and thus they become refugees in many countries in the world. Over time, the profile of the refugees changed as did the reaction of the international

community towards those asylum-seekers: from full humanitarian enthusiasm during the latter half of the 1970s and the early 1980s to a certain level of indifference or fatigue towards the assistance activities during the second half of the 1980s. Paradoxically, as soon as the compassion fatigue reached its peak in 1987, the socio-political conditions in Vietnam and in Laos seemed to improve. The governments of the two countries are trying to mend relations with countries of the non-socialist world, especially in the

economic and political spheres. Therefore, new hope for peace in Indochina is well-founded although the political situation in Cambodia is still unsettled. This expectation of peace should act to reduce the number of asylum-seekers from Vietnam and Laos. And repatriation should become a more realistic durable solution to the refugee problem.

The dynamism of the changing socio-political conditions of the Indochinese countries and its

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We regret the recent passing of Prof. Atle Grahl-Madsen, the internationally-renowned expert on refugee law.

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implication for the refugee crisis has forced refugee assistance personnel in the UN and governmental as well as non-governmental organizations to re-evaluate their role in the assistance activities, which has been to provide basic relief to refugees. Relief agencies should avoid involving themselves in partisan politics in the areas that have seen a large exodus of refugees. By sticking to their relief activities, refugee assistance personnel have kept

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their credibility. But if they now try to get involved in the politics of Indochina, their status would change and this would complicate their endeavor vis-à-vis the refugees. Roger Fordham of the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) in Bangkok emphasizes this fact in his article on NGO services to refugees in Thailand. Providing the best possible quality of life to the refugees should be the ultimate goal of concerned organizations

This issue of *Refuge* focuses on refugee repatriation, one of the several alternatives to resolve the complicated refugee problem. The articles contributed by Pierre Jambor, the UNHCR representative in Bangkok, and Leonard Davis, from the City Polytechnic of Hong Kong, are highly

informative and thoughtful. The question is whether or not the refugees themselves have a right to choose to return if they have already decided to leave and accepted refugee status. Unfortunately, their decision is not the only one of consequence. The attitudes of the people of Hong Kong will help determine whether they are given that choice. Lawrence Lam's article describes those attitudes and analyzes the factors behind them.

In this decade, if Ho Chi Minh were still alive he might have been depressed about not having the chance to tell the world his expectations about the destiny of Indochina and the Indochinese people since others had said so many things already.

Khien Theeravit
Supang Chantavanich
Guest Editors

Sponsorships at Phanat Nikhom Refugee Camp

The following letter was addressed by father Olivier, a jesuit priest working in Thailand, to private sponsors in Canada. Its relevance warrants sharing it with our readers.

In February 1989 I visited several groups and associations in Canada requesting that they open their hearts to the plight of refugees in this camp who so desperately need an infusion of hope in order to carry on. Many generously accepted to sponsor some of these refugees and their response was truly heart-warming. They went to work quickly to plan and organize these sponsorships, and I am sure they looked forward to the day of their refugees' arrival, well prepared to assist in their resettlement.

After all their efforts, some have heard that those people they were so eager to help have now been accepted to go to another country or will be coming to Canada under the DC1 (humanitarian) category. This will surely have caused some real frustration for some, and

perhaps even a little disappointment.

Please allow me to make a few points of clarification regarding resettlement from Phanat Nikhom camp, in the hope that those involved might not lose faith in the process altogether:

1. A refugee falls under the protection of the international community through the auspices of the United Nations High Commission for Refugees (UNHCR). When this organization presents the refugee to a resettlement country, the refugee seldom refuses; the lack of choice in these matters characterizes the sort of poverty that is theirs. To refuse, especially if one has previously been rejected by other countries, is a sure ticket to a protracted stay in a camp.

2. Many of the people I presented were "long stayers" in Thai refugee camps, and the UNHCR tries every which way to secure permanent solutions for such cases. Consequently, until they have received some guarantee from a sponsor and from an embassy

that a refugee has been accepted and will be resettled, the UNHCR staff will pursue as many options as possible on behalf of the refugee family. Several months will usually pass before a decision is made to sponsor someone, before the necessary organization is set in place, the proper forms completed and submitted to the Immigration Department, the sponsorship notice sent to the embassy in Bangkok, and an interview finally arranged in the refugee camp. You will surely understand that, until I have obtained a definite confirmation that indeed a sponsorship has been secured, I cannot request of the UNHCR that they put on hold their efforts at finding a home for these people. During this "interim period," then, it does happen that the UNHCR presents to another country the refugee family people in Canada have been helping to resettle. The refugee often mentions that a sponsorship is being sought by father Olivier, but without the documents to prove it, he is not in a position to insist; that is why I have insisted that copies of the Canada Immigration sponsorship form be sent to me as soon as possible.

3. While it is true that the obtaining of a sponsorship will assure that the refugee will be granted an interview, there is no guarantee that the refugee will be accepted at that interview by the embassy staff. Also, it does happen that between Canada Immigration and Canada's embassy in Bangkok, communications become defective sometimes; Bangkok may not receive the notification that a sponsorship has been secured. In such situations, if I have a copy of the sponsorship form, I am able to alert the embassy about the problem. But, of course, during the interim, again the UNHCR is seeking alternatives for the refugee.

4. Occasionally, a particularly bold refugee will ask my help in searching for a sponsorship while not telling me that he has requested the same thing from others. It is hard for me to feel too much anger over such initiatives on the part of a desperate refugee, but I certainly do feel the upset and pain of people over these matters which leaves them feeling a little abused.

5. In June 1989, a conference in Geneva determined what the distribution between countries would be of the 52,000 Vietnamese still in Asia who remain eligible for resettlement. Over the three years following the conference it was agreed that 22,000 would go to the USA, 11,000 to Canada, 11,000 to Australia, 4,400 to France, and 3,600 to Finland, Sweden, Norway, Japan, etc. Given these commitments, certain countries like the USA and Australia, who had previously rejected some Vietnamese refugees, are now reversing their decisions and agreeing to accept some of those with links in their countries; I think we pretty well have to surrender graciously to these decisions.

6. It is true that a refugee is in a position of powerlessness, usually, and enjoys few freedoms, especially if he or she has no relatives abroad. For these persons decisions on their fate are made in large measure by others. I have seen the disappointment and sadness of people in my office when having hoped for a sponsorship in Canada, they were accepted by another country before the arrival of the confirmation from Canada.

7. Since July 1989, the French, Australian and Canadian embassies have decided not to accept or interview most of those people who have close links in other countries (including parents, husbands or wives, brothers and sisters, brothers-in-law or sisters-in-law, uncles, aunts, nephews and nieces). Thus, several people have been put on hold or rejected outright by Canada because their links now are relevant while previously they were less so.

8. I can quite appreciate, when it comes to those private sponsors concerned, the sense of having been betrayed in their generosity, and of so much work having gone down the drain. But refugees too can experience such deception and feel crushed when they not only are rejected to go to their communities, but are condemned to staying in a camp for several more years. I believe that in fact the decision to help a refugee family has not been for nought; the sponsors have shared in their suffering, they have felt something of the refugees' pain, of their struggle, of their frustrations. The private sponsors also have known well the failings of an

administrative system that plods along very slowly. They should try to remember that while they have felt frustration in their long and apparently futile wait, thousands here continue to suffer also in their wait; ours is easier than theirs.

In the end the important thing is that the refugees will find a home somewhere. If they can achieve resettlement through our aid, we can be glad; and if they have managed to find another route to their freedom, surely we can rejoice in that too. Furthermore, I can assure the private sponsors that their efforts do not need to remain fruitless. Can you imagine the joy experienced when I am able to announce that a sponsorship has been found! The private sponsors have offered so much in renewed hope, in rekindling the refugees' will to go on, and I assure you that this gift to refugees is a very significant one.

Let me finish by reminding you that refugees, as well as those like myself trying to assist them, desperately need your continued assistance. Even if together we do not achieve the intended goal of resettling a particular family, the generosity, friendship, and your hard work are essential to us. Every day we witness such despair and sadness here; please don't give up, ... please ask for another case or profile ... another family is always waiting for a chance to resettle.

Justice in this world is not an easy goal to achieve; much slow, painstaking work and a great deal of perseverance are necessary, as you know. Even if I do not know all of you personally, I am often with you in spirit, remembering your commitment, your courage and your generosity for which I am sure God will reward you. I thank you from the bottom of my heart.

With warm regards,

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NGO Services to Refugees/Displaced Persons in Thailand

by Roger Fordham

The year 1975 saw a number of radical changes in the three countries making up Indochina. On April 17, 1975 troops under the leadership of Pol Pot entered Phnom Penh and almost immediately introduced the extremely radical policies which marked the Khmer Rouge rule from 1975 to 1979.

Two weeks later on the April 30, 1975 after a thirty-year war, North Vietnamese troops entered Saigon and, under communism, sought to unify Vietnam.

Later that same year, in December of 1975, a less radical political change took place in Laos and that country, too, came under communism.

These changes resulted in massive outflows of people seeking asylum. Thailand, sharing common borders with both Cambodia and Laos, became a host to refugees from both Laos and Cambodia as well as large numbers of Vietnamese who arrived by boat.

This left Thailand in the unenviable position of having to support these uninvited populations until a solution could be found.

Traditionally the office of the United Nations High Commission for Refugees takes a key role in situations such as this, but there was no office in Bangkok at that time and it was not until September, in response to an invitation by the Royal Thai Government, that the UNHCR established an office in Thailand.

At the same time, a number of aid agencies representing the International community were looking to provide

services to the refugee population in Thailand.

In establishing services in a crisis situation and in the absence of a coordinating body, there is a risk of a number of problems occurring. Duplication of services, inappropriate services, lack of continuity, inadequate delivery of services are just a few of the risks involved in an "ad hoc" operation of this magnitude.

In the recognition of these problems, seventeen agencies convened a series of meetings with the aim of establishing a coordinating body and a secretariat whose function would be to liaise with various offices of the Royal Thai Government, international organizations, including the UNHCR, and other non-member agencies. This body was called the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT).

This body currently has thirty-nine member agencies. Although the name indicates that it is a coordinating committee, in fact its real function is more one of providing and facilitating the flow of information.

The autonomy of each member organization is respected and no attempt is made to impose any changes on organizations, but each organization actually undertakes to open every possible avenue of communication so that effective coordination does take place.

Members represent twelve different countries, as well as Thailand, and member agencies meet monthly in two separate sessions. The

first is a closed meeting where issues of current interest are raised. This is followed by an open session where Royal Thai Government agencies are present as well as international organizations, such as the UNHCR, the UN Border Relief Operation, the Intergovernmental Committee for Migration and the International Committee of the Red Cross.

In addition to these fora there are subcommittees which deal with specific areas, such as the Medical Subcommittee, the Education Subcommittee, the Karen Subcommittee and, more recently, the Cambodian Liaison Subcommittee. The charter that the NGOs have is clearly one of being service-providers and, as such, they cannot be involved in political policy formulation.

Program philosophies

The UNHCR has the mandate for finding solutions for refugees under its protection. Those solutions are threefold.

- a) Voluntary repatriation to the country of origin once the political situation has become stable.
- b) Integration in the country of first asylum where repatriation is not practicable.
- c) Resettlement in a third country as a result of negotiations between countries outside of the homeland and the countries of first asylum.

In the case of the Indochinese, the numbers and political considerations were so great that for the first five years only the third solution was

employed as a durable solution. After that only the Lao cases were provided with the option of repatriation and, even then, only a few were able to return. Until recently, resettlement was regarded as the only realistic long-term solution for most cases.

The nature of the NGO programs reflected this situation. Most people in refugee centres were geared for a life in the West. Education agencies taught, using Western curricula, Western languages. Predominantly English was taught in an effort to assist refugees to meet the language criteria for acceptance by the West. Skills training was geared to provide refugees with marketable skills in the employment arenas of the West and medical programs in the refugee centres mostly reflected the "clinic" model of the West. In the initial stages those programs were realistic and appropriate since resettlement was almost exclusively in Western countries (the United States, Canada, Australia and the European nations).

In the past year, the focus has changed. Agencies have recognized the situation as being more conducive to voluntary repatriation, with the emphasis being on "voluntary." The Laotian repatriation program has operated more and more efficiently in the last twelve months and has attracted more and more Lao to apply as a result of increased confidence.

From the beginning of 1989, hopes were raised that a political solution would be found in Cambodia and the 300,000 displaced Khmer inside Thailand would, at last, be able to repatriate. In order to better prepare for this eventuality, the NGOs, under the Coordination of the United Nations Border Relief Operation (UNBRO), implemented a new philosophy, Self-Management, under which the Khmer themselves took a far greater share of responsibility for the programs at a management and decision-making level. The programs still continue on this basis but the optimism that was seen for repatriation has receded as a result of

the Paris talks between the Khmer factions in August of last year where the much hoped for political solution failed to materialize.

It should be realized that, for the refugees and the displaced in Thailand, the NGOs are the "face of the West," for they provide the grassroots workers who have optimum contact with the refugees. For this reason it has been really vital that the NGOs address the problem of durable

The new role for ... NGOs should be involvement in general development for the entire population.

solutions. In continuing to act with a Western approach, on the assumption that people would be resettled, this, in turn, had a psychological effect on the refugee population who were geared mentally to believe that their only option was resettlement. In fact, for the vast majority, the 300,000 Khmer on the border, there is no question but that they will, one day, return to their country of origin. In gearing programs to the level of services, or, at least, the aims of services in their homeland,

agencies mentally gear the camp populations for the realities of life at home and creating a positive attitude towards the concept of repatriation.

Another positive development towards repatriation has been the number of agencies who, whilst maintaining a presence in the centres in Thailand, have established services and offices in the home countries. This, in addition to instilling some sort of confidence in refugees considering repatriation, also provides a source of vital information on conditions in the homeland, as many refugees and displaced people left a number of years ago and are essentially out of touch with the current situation.

It can, therefore, be said that although the NGOs play — and should play — no role in an actual political solution, they should stay abreast of political changes and play some role in gearing refugees and the displaced for the solution that is most appropriate for them.

Interaction with the various authorities

In the early years the refugee centres were under the auspices of the Total Thai Armed Forces and coordination was through the Joint Operations Centre (JOC). In order to obtain approval to operate in a refugee centre, each agency applied to the JOC outlining a program proposal and providing details of staffing and structure. Later, in the early 1980s, some of the centres, those away from strategic borders, came under the authority of the Ministry of the Interior. Currently all camps, with the exception of the Khmer border camps, come under this authority which requires agencies to follow the same type of procedure as did the JOC previously.

All centres having people designated as refugees come under the protection of the UNHCR and each refugee centre has a central coordinator called a field officer. This person is responsible for overseeing

and assuming responsibility for all UNHCR programs. Many of the NGO programs in the centres are funded by the UNHCR and, as such, come under some supervision by the UNHCR field officer in the refugee centre, although there is a central program and administrative unit based in Bangkok which is responsible for the overall coordination of the programs.

With the exception of two centres on the Khmer/Thai border, all centres in that area come under the coordinating authority of UNBRO as the people in these centres are not designated as refugees but are referred to as Displaced Persons. As such, in general, they are not eligible for resettlement nor for the protection which would normally be accorded to refugees under the UNHCR. In fact, the camp administration in this case comes under the various components of the coalition government as recognized by the United Nations. This government is made up of three factions, the ANS or Sihanoukists, the KPNLF, the Khmer Peoples National Liberation Front under a previous Khmer Prime Minister, Sonn San, and the Khmer Rouge. UNBRO is essentially a service provider to these factions which are viewed by the United Nations as a government in exile. The NGO organizations working in these centres do so on the understanding that they are serving a civilian population, for to do otherwise would implicate them politically. They are humanitarian organizations and cannot become politically involved at all. These NGOs are mostly funded by UNBRO and, as such, submit program proposals to this body for approval annually. As stated previously, UNBRO has instituted a policy of Khmer Self-Management; programs operating in these camps reflect this philosophy.

A good example of this can be seen in the programs initiated by the organization Handicap International. Theirs is essentially a rehabilitation program for amputees, most of whom are war victims. The program is set up in such a way to teach amputees to

make their own prostheses out of local materials — bamboo, old car tires and plaster. Khmer technicians are trained and, in turn, amputees go through a program which teaches them to make their own prosthetic limbs. By doing this, victims can return home and still maintain the same level of care provided this side of the border and technicians are able to transfer the necessary skills to their homeland on return whilst being responsible for programs on this side of the border. Because of the obvious political neutrality of this program and its equally obvious appropriateness, it is accepted by all authorities in both UNBRO and the various Khmer administrations.

Beyond the client group

For anyone who has visited the refugee centres, particularly the Khmer border camps, it becomes obvious that the local population is itself a needs group. A rural community living in the border regions has the normal restrictions one would anticipate in a community distanced from main centres, but, in this case, due to the political situation manifested in frequent shellings, their social and economic situation has been destabilized. It is in this situation that the NGOs also have a role to play. Again, through UNBRO, a program has been established entitled the "affected Thai villages program." These are essentially compensatory programs which recognize the instability of the area and provide services to the local Thai population.

The concept of the Affected Thai Villages Program originated with the the Royal Thai Government and was instituted in October 1978 to assist Thai villagers in the Thai Kampuchean border region for the above reasons.

From 1981, the project was extended to the Thai/Lao, Thai/Burmese and the Thai/Malaysian borders. In total, 578 villages, or some 600,000 people, benefit from the program, 242 villages along the Lao

border, 170 along the Kampuchean border, 94 along the Burmese border and 72 along the Malaysian border.

Once again this is a program of cooperation. Supplementary funding for the program comes from various donor countries, the USA, Japan, West Germany, Canada, Taiwan, Sweden, Norway and Belgium. WEP/UNBRO distribute food and infrastructure support.

The role of the NGOs in this program is to make services, which are available to the refugee/displaced persons populations in the camps, also available to the Thai villages in the region. Some agencies have established education and medical programs in the villages themselves.

Summary

In essence, it could be said that the role of the NGOs in Thailand is to provide non-political relief and support services to displaced populations whilst either a resettlement solution is found through an appropriate agency or until a political solution is found enabling the displaced to return safely.

As repatriation becomes more of a possibility, there is a need for development programs to work in the countries of origin to assist the weakened economy. Several NGOs are in various processes of evaluation to determine whether or not they have a role in that development, and, if so, what changes need to be made to make their programs development-based rather than relief-based. At the same time, it is becoming increasingly obvious that these agencies should not exclusively serve the returnees, as this could only create tensions within the communities and further divide them from the existing populations. The new role for those NGOs should be involvement in general development for the entire population.

Roger Fordham is the Executive Secretary of the CCSDPT in Bangkok.

Voluntary Repatriation of the Indochinese Refugees

by Pierre Jambor

Voluntary repatriation of refugees has been traditionally considered not only one of the three possible durable solutions, together with resettlement in a third country and local integration, but, actually, the best of those three solutions. Paradoxically, when looking at the Indochinese refugees, it appears that it has been the least applied solution, and also the most controversial. Since 1975, with some exceptions, resettlement in a third country has been the overall solution. A staggering 1,100,000 Indochinese refugees left for a third country in the past 14 years. This is certainly a major accomplishment and a true sign of international solidarity in the face of a human tragedy of such dimensions.

Resettlement on a comparable scale could not, however, go on indefinitely. The cost of resettling a single refugee amounts to several thousands of dollars in the initial phase, and there are additional costs afterwards: it is not only a matter of transportation and initial "start-up" costs, but the costs may go on for several years. If we take a conservative estimate of US \$5,000 per person, multiplied by the 1,100,000 mentioned above, we reach a figure in the order of several billion dollars. Furthermore, the Indochinese refugees problem is but one of the refugee situations presently existing. Of course, not all require that such a large number of persons to be resettled, and, in most cases — in Africa, in Central America or for the Afghans — it is a matter of awaiting for a change of circumstances which will enable the refugees to return home. Every year, however, traditional resettlement countries do provide several tens of thousands of resettlement places for refugees all over the world. But the priority in allocating these resettlement slots may vary. The Indochinese refugee problem has been with us for close to

fifteen years and it is not perceived today with the same degree of urgency as in 1975-1980. Time and the numbers involved, (that, far from decreasing, have tended to recently increase) explain the reactions by the countries involved, especially those providing first asylum.

A further question has appeared with increasing insistence: to what extent resettlement, which has been seen for years as a panacea, has not become part of the problem? A new concept which has emerged is the "push and pull" factor. In analyzing the reasons which have caused this situation to linger, a distinction has been made between those factors which are linked to the situation (real or perceived) in the country of origin and which "push" people to leave, and those external factors, such as the expectation of a better life, (i.e., increased economic opportunities, better education, better health coverage, etc.) which "pull" people to leave their country. The 1979 International Conference on Indochinese Refugees, linked the provision of first asylum to resettlement in a developed country. This is at the origin of the impressive number of Indochinese refugees resettled, but it may also explain why, in the mind of later arrivals and prospective departees, an expectation of automatic resettlement in the West was created. Some may, therefore, argue that resettlement had turned into the mythical snake that eats its own tail: more refugees, more resettlement, more resettlement, more refugees.

Of course, this element cannot be taken in isolation, but it may contribute to explaining what has euphemistically been called "compassion fatigue".

Since 1975, the overall situation in the region has changed, mostly for the better, but some deep shadows remain. As a result of a local "glasnost," regional relations have improved and some changes have occurred in the

governments of the countries of origin. If these trends continue, we can hope that fewer people will leave and more will be willing to return. The picture, however, continues to show dark clouds.

Another concept, which was introduced in the study of the Indochinese refugees phenomenon, was the one of "root causes," and tackling them to solve the problem. Although this notion has been essentially used in a political context, it has acquired relevance when considering the increasingly heard statement that the majority of asylum-seekers are "economic migrants," leaving their country because of economic hardship. Continuing in the same line of thought, there was a perception that the renewed outflow was essentially due to economic reasons, that resettlement could not keep pace with the outflow. This provided the justification for increasingly harsh measures, which have been dubbed "humane deterrence." This "humane deterrence" has certainly been deadly for a large number of human beings.

A Chinese proverb says that times of crisis are times of danger and opportunity. It is because of this real danger that there is an opportunity to salvage the threatened principle of first asylum. The occasion was there to review both the achievements and the mistakes of the past and try to come forward with a new approach. It is in the course of this search that the option of voluntary repatriation as the ideal solution has been rediscovered.

As we have seen, the conjunction of two factors — decreased opportunities for resettlement and the changing situation in the country of origin — improved the climate in the region and the realization that old remedies were no cure anymore. Efforts were revived to look at voluntary repatriation as the most appropriate solution, at least for a large number of refugees and asylum-seekers. This,

however, is easier said than done, as there are a number of conditions which need to be fulfilled. In theory, there are two sets of conditions, at the individual level and at the governmental level.

At the individual level, the first and foremost condition is the best interest of the refugees themselves: this implies that conditions conducive to the return of the refugees exist or be created. They include the existence of peace and security, as well as an economic climate where individuals can fulfill their basic needs. Clearly, such conditions encompass political, economic and social elements, which are the responsibility of the countries of origin.

These conditions must not only exist, they also have to be known by the refugees and asylum-seekers concerned. Unbiased information must be available to the persons concerned.

It is to some extent arbitrary to separate the conditions required at the level of the individuals concerned and at the level of the authorities, as they are the two sides of the same coin. Furthermore, those conditions, as we have listed them — a proper climate, good information, and the voluntary character of the return — appear clear, if not necessarily simple. Reality is infinitely more complex.

The creation of a climate conducive to the return of people can include elements which might put into question the fundamentals on which some governments operate their philosophy and their ideology; these might have conditioned the economic and social orientation which may have been the primary reason for the outflow. Although recent events in Eastern Europe tend to show that nothing is fixed forever, changes of such magnitude take time.

Additionally, in a world which is increasingly a global village, such changes may have to be encouraged by the international community, the superpowers, regional neighbours or economic partners. All these considerations have brought us very far from the strictly humanitarian concerns which, in an ideal world, should be the first and only consideration when looking at a refugee problem.

Good information is the second element in the equation, but it may be only marginally easier to define and then achieve. Good information could be defined as comprehensive and objective information surrounding a possible

return. Ongoing debates tend to show that increasing the means of information-sharing has not necessarily meant better information. Lenin stated that information was but one of the elements of a policy and must be used to reach the objectives set by this policy. The use of information to achieve policy objectives — sometimes called propaganda — is not a monopoly of communism. To a greater or lesser extent the temptation exists for governments to use the information for their own purposes. As the Jesuits say, one can also sin by omission. Can information be neutral? Where does neutral information stop and propaganda start? If promotion of voluntary repatriation includes the provision of information of conditions in the country of origin, how can one ensure that such information is both correct and exhaustive?

Turning now to the essential element of "voluntary repatriation," i.e., its voluntary character, this implies that the individual be in a position to express his or her own free will and that his or her decision be respected. Simple enough to say, but much harder to ensure. If the conditions of existence in the refugee camps are excessively harsh, can a decision taken in such a context be considered free? Supposing that we are satisfied that the decision has indeed been taken bearing in mind all the information available and devoid of any external pressure, but, as external observers, we feel that for a number of different reasons, it is not advisable to return, can we preempt the decision of the person concerned and decide on his behalf as to what we feel is best for him? Clearly, we cannot advocate the principle of a decision based on free will and then be the ones not to respect this same will. In the context of the Indochinese refugees, this is not a theoretical question.

There is an additional problem which has recently arisen in the context of the Comprehensive Plan of Action related to the Vietnamese Boat People and approved at the International Conference held in June 1989 in Geneva: traditionally, voluntary repatriation is one of the three durable solutions to benefit refugees. By saying refugees, it implies that the persons concerned are either *prima facie* (i.e., without the need to go through a refugee determination procedure) refugees, or have been recognized as such

after undergoing such a procedure. In the case of the Boat People, the concept of voluntary return is being tentatively expanded to cover those both screened out and those who may not yet have undergone the refugee determination procedure. The implications of such an expansion must still be fully assessed.

Humanitarian refugee law is not a fixed set of universally accepted rules, but rather, a constantly evolving matter, based on existing refugee problems. For its size, and for its political relevance, the Indochinese refugees problem has had and continues to have a major impact on the evolution of refugee law. It has further highlighted the complexities of the subject and continues to be relevant both by its adherence to traditionally accepted rules of conduct as well as for the new issues or the new way to tackle old issues that it has brought to light. A brief presentation of the present situation and of the prospects for the future may help to further highlight the link between the issues discussed above and the plight of the Indochinese refugees. For clarity's sake, however, the three groups, Lao, Khmer and Vietnamese, must be treated separately.

Organized voluntary repatriation for the Lao started in 1980. It was, however, very slow: from 1980 to 1988, some 3,400 repatriated voluntarily. Since January 1989 over 1,200 more have returned. It has been agreed that over 300 per month could return, and this figure will hopefully be increased to 500 in the near future. This dramatic improvement is due to a number of reasons: changes in the country of origin, improved bilateral Lao-Thai relations, and an active promotion campaign on the part of the UNHCR. As for the return, the Lao authorities make no distinction between the voluntary repatriates and the involuntary return of the screened-out. They all benefit from the same treatment. It must also be noted that a refugee status determination procedure has existed since 1985. Prior to this procedure, there were some 3,000 to 4,000 arrivals per month. Presently, they number some 3,000 to 4,000 per year. The consequences of the establishment of a screening procedure are far-reaching. First, resettlement was the only durable solution available, but it was available to all new arrivals only to the extent that they were all considered as refugees. It would, therefore, appear that

severing the link between reaching Thailand and expecting resettlement in the West has decreased considerably the "pull factor." The screening procedure has, at the same time, contributed to the safeguard of asylum and the protection of refugees while discouraging people without a well-founded fear of persecution to flee their country and languish in refugee camps. Furthermore, for the first time ever, in a region where only two countries are signatories to the International Instruments, acceptance and use of established procedures in the treatment and protection of asylum-seekers have been adopted. This in itself is a remarkable and far-reaching accomplishment.

With respect to Khmer refugees, the only known large voluntary repatriation operation took place in 1980 and concerned some 9,000 persons. While it was clear at the time that they were fully aware of the dangerous situation existing in the area where they wished to return — and they indeed wanted, of their own free will, to return —, this operation was the source of great polemics on the part of those who felt that, whatever the decision of the people themselves, they should not be allowed to return.

Since then, and apart for a handful of people, there has been no voluntary repatriation as such. Such a large-scale operation would benefit the border population, numbering some 300,000. They are called displaced persons rather than refugees, but it has been agreed that they should benefit, when the time comes, from the treatment reserved to refugees under a large-scale repatriation operation.

It has also been agreed that voluntary repatriation would be the best solution for the large majority and, to our knowledge, that same majority wishes to repatriate when the time comes. At present, however, the conditions conducive to repatriation do not appear to exist. Observers are also disturbed by the way information provided to the border population is lacking both in accuracy and exhaustiveness. It is not easy, in the present situation, to determine what is indeed, accurate and exhaustive information. In a conflict situation, information is part of "psychological warfare" and, as such, is the subject of much manipulation. Two other issues must also be considered, as they are intimately linked to those developed

above. While there is a consensus that an eventual voluntary repatriation will be ideal for the majority of the people, there must be an equal consensus that those who may decide, be it temporarily or permanently, not to repatriate, be allowed to do so. Voluntary repatriation without voluntary non-repatriation would be void of meaning.

By the same token, while it is generally agreed that the situation in the country of origin is presently not conducive to large-scale return, and that a comprehensive settlement may indeed be the key, any person or group of any size who, knowing the situation to the extent possible, freely, decide to return, should not face the obstacle of others determining for them, and for whatever purpose, that now is not the right time. This however, is easier said than done.

On the issue of repatriation, it is the Vietnamese refugees, not necessarily the largest in size, that has given rise to heated and emotional debates and has also been a source of major concern to those humanitarian organizations involved in their protection and assistance. They are the only group which has sought asylum in a large number of countries, primarily in South East Asia. They are also the only group which has benefitted from a blanket recognition of their refugee status for almost fifteen years since the events that gave rise to their fleeing their country of origin. But it sowed the seeds of the crisis that bloomed in 1987-1988 and led to the 1989 International Conference. By linking, in 1979, first asylum — which is a fundamental principle — to the provision of a technical solution, i.e., resettlement, the principle has been reduced to depend on the success of the technical solution: asylum was as good as resettlement; a decrease in one would threaten the other. Furthermore, resettlement is the only solution applicable, has created an expectation and become almost an acquired right. The drama of resettlement, which was only belatedly perceived, was that it was the equivalent of digging a hole in the sand: the more one digs, the more sand falls in the hole. Clearly, resettlement could not any more keep up with the rate of arrivals. The reaction of the first asylum countries was to question the principle of first asylum. Concern for loss of life and the sufferings of thousands, as well as the seeming

endlessness of the problem, brought all concerned to the 1989 International Conference. A Comprehensive Plan of Action (CPA) was endorsed. It is composed of a set of measures, which include unequivocally the reaffirmation of the principle of first asylum, the establishment of a refugee screening procedure and the active promotion of voluntary repatriation. The continuing high number of arrivals may be explained by the fact that one cannot, overnight, hope to stop a train which has been running full speed for fourteen years. It is also true that the emotional content of the issue is far higher than for other refugee groups. The screening procedure, which is internationally accepted and successfully implemented for the Lao, for instance, meets with resistance by some perhaps well-meaning but ultimately misguided groups when it comes to the Vietnamese. There is greater resistance still to the corollary of any refugee determination procedure, the treatment of screened out.

In order to overcome a potential failure of the CPA, which would have disastrous consequences both for the Vietnamese asylum-seekers and regarding the principle of first asylum, discussions are underway to extend the benefit of voluntary return to include those not having yet undergone the refugee status determination procedure as well as to those having already been screened out. This is, of course, an exceptional and transitory measure, which aims at preserving the hardly won consensus. These efforts have already met with some success: close to one thousand have already returned and over 1,100 applicants are in the pipeline. If the Lao experience is a lesson, we can expect that, albeit slow to start, the repatriation exercise will pick up steam and become a major element in solving a long-standing problem. Within an acceptable time frame, a chance must be given for these efforts to succeed. The CPA represents the light at the end of the tunnel, a long and dark tunnel.

Pierre Jambor is the UNHCR representative in Bangkok. This paper reflects the personal views of its author, and not necessarily those of the organization for which he works.

Mandatory Repatriation Is Not the Answer to Hong Kong's Problem

by Leonard Davis

The experience of Hong Kong in working with Indochinese asylum seekers may be divided into three periods: i) May 4, 1975 — the date on which the container ship, *Clara Maersk*, arrived in the harbour with 3,743 refugees rescued in the South China Sea — until July 2, 1982, when the closed camp policy was introduced; ii) the six years of the closed camp era in which, at least initially, there was a steady flow of refugees leaving for resettlement countries; and iii) the period from June 16, 1988 — the date on which the screening and repatriation policy came into operation — until the present.

Hong Kong responded magnificently during the early years. The highest number of refugees in the territory, 68,695, was recorded on September 11, 1979. Even during the six years of closed camps, the problems were minimal. People arrived, they were "processed" and most were able to move on. Unfortunately, as is well known, the offers of resettlement became fewer and fewer during the first months of 1988.

The closed camp policy in 1982 was perceived as "the" deterrent. It failed. Asylum seekers continued to arrive in large numbers.

Established as a result of the whipping up of public indignation by what appears to have been a small group of prominent community leaders — recently very quiet about the issue — the screening and repatriation measures introduced in June 1988 were presented as the "ultimate deterrent." Clearly, those measures, too, have failed. Nearly 40,000 Vietnamese people have subsequently arrived in the territory.

The screening and repatriation policy was doomed from the start, accompanied as it was by an apparent

lack of foresight: few interviewers ready to engage in the screening process, a chronic shortage of Correctional Services Department (Prison) staff, few identifiable plans for the housing of thousands of new arrivals, and little insight into the need for "quality communication" between people in distressing circumstances and those charged with their control and supervision, especially in respect of the potential for violence in any group of people living in deplorable conditions from whom all hope has been removed.

Placing people in detention centres under intolerable conditions — surrounded by mud and filth — with poor medical facilities and an inadequate diet inevitably led to increasing levels of aggression among the Vietnamese, between different groups in the camps and in their dealings with the police and custodial services. Throughout 1989, the hostility of the local Hong Kong Chinese also mounted: towards the daily boatloads of asylum seekers, and to the way in which camps were set up in their midst.

The policy of repatriation was based on the strangest assumption, namely, by a little relabelling and redirection in Hong Kong, the Vietnamese would become "good people" and remain in their own country, or voluntarily return to their country of origin.

The voluntary repatriation scheme has made no significant impact on the overall numbers of Vietnamese in Hong Kong. Only a few hundred people have elected to return on a voluntary basis.

There are now more than 50,000 Vietnamese in the territory for whom the Hong Kong government has no immediate solution, except to push ahead with mandatory repatriation. The

fact that asylum seekers are extremely resistant to such a step; that the Vietnamese government has made no firm commitment to accepting them; that any people forcibly returned to Vietnam will bring forth international condemnation; and that, in practical terms, there is no way to transport people against their will without the use of violence, are issues that the Hong Kong government has yet to address.

For the Vietnamese, many must liken their present plight to still being caught up in a kind of war. Victory means their only chance to establish some sort of a future for themselves and their families. Defeat may mean being returned to a life of degradation, poverty and oppression.

We must remember that it was war that provided the backdrop to the present misery of the Vietnamese people. The extensive use of napalm by US forces maimed and killed many hundreds of thousands of civilians, and the employment of defoliants to destroy heavy ground cover devastated the ecology of an essentially agricultural country.

As Melanie Beresford says in her book *Vietnam* (London: Pinter, 1988), it was misguided American prestige and their need to defend the "free world" that brought so much misery, and eventually their retreat from Vietnam.

She concludes: "But this did not occur before [the US] had become embroiled to an extent unprecedented in its history or before it had wreaked such havoc on Vietnam that it would take years to recover."

Given such a background, who, with perhaps life itself at stake, would submit meekly to the "arrangements" being made for forced repatriation?

The majority of the Vietnamese people in the camps have no reason to help towards the completion of the administrative jigsaw puzzle needed to "tidy up" the problem before 1997 when Hong Kong becomes a Special Administrative Region of the People's Republic of China. The goals of the asylum seekers are quite different. They have an alternative view of the world and of their future. Their internal compulsion to seek a better life may — collectively — make them unyielding.

There is a sense in which the best efforts of Hong Kong Government officials in respect of involuntary repatriation may yet come to nought. The time is fast approaching when the issue of asylum seekers in Hong Kong has to be thought about again. Without considerable lateral thinking, the potential for extreme violence and total non-cooperation — and even mass suicides as the day of forced repatriation approaches — must be ever present.

We are all actors on the evolutionary stage. There is still time to make major alterations to the script, and I would like to outline a number of points with a view to changing attitudes and to introducing a softer line into what could still further erupt into a extremely ugly situation.

1. We should, in the first instance, relax the screening policy criteria, giving the opportunity for more people to become eligible for resettlement in a third country.
2. We should significantly improve the quality of life for people in the detention centres. They are not animals.
3. With the United Kingdom — which should be giving a lead — we should be putting far more pressure on the international community to start massive economic aid to Vietnam. Only in this way can we ever hope to make conditions tolerable in the country so that people do not need to provide an resettlement service. Even 100,000 people allocated to a broad range of countries over a two or three-year period would be as nothing in terms of the growth of national populations, given political will.
4. We must press further the initiatives

of the Geneva conference to get resettlement countries to increase their quotas substantially, and to enlarge the number of countries willing to provide a resettlement service. Even 100,000 people allocated to a broad range of countries over a two or three-year period would be as nothing in terms of the growth of national populations, given political will.

5. We should be willing to pay attractive resettlement fees to countries to encourage them to receive and integrate the Vietnamese people into their land. This is far preferable to making "bribe" payments to the Vietnamese Government when many people have doubts about treatment of Vietnamese refugees.
6. We should be exploring, with some urgency, the offer of the Philippines to establish a regional holding centre in the archipelago. Filipinos have an excellent record in regard to their treatment of Vietnamese refugees.
7. Hong Kong should itself look again at its resettlement and integration policy. The criteria are too strict. At present a Vietnamese is only eligible if he speaks Cantonese, arrived in Hong Kong before July 1982, can be self-supporting, and is not accepted by any other resettlement country. Making it easier for more Vietnamese to settle in Hong Kong would, I feel sure, encourage many to make the territory their home.
8. We should move more towards "open Government" as concerns refugee issues. There have been too many "secrets" in Hong Kong leading to a lack of trust.

Hong Kong should now take the lead in finding its own solutions, positive solutions that will correct what is becoming a very poor image to the outside world. There is every reason to believe that — with lateral thinking — efforts to change present negative attitudes towards the Vietnamese people — very ordinary, attractive people — can be reversed to mutual benefit. This may be Hong Kong's last chance.

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The Attitude of the Local Population Towards Vietnamese Boat People in Hong Kong

by *Lawrence Lam*

The context

In the past ten years, Hong Kong has responded to the Vietnamese Boat People in three distinctive ways, ranging from initially a positive humanitarian response in 1975 to a developing negative reaction since 1982, culminating in the endorsement of the forced repatriation of 51 Boat People from a detention centre who, on December 11, 1989, at 3:00 am, were literally "taken from their beds, bundled into caged trucks," driven to the airport under tight security (200 heavily armed riot police) and cover of darkness, and placed on a specially chartered flight to Hanoi. This approach has gained overwhelming support from the Hong Kong people who believed that they have done as much as possible to house the Boat People.

While this approach has drawn criticism from other countries, it was justified on two grounds: a) the Boat People being repatriated are not genuine refugees but illegal immigrants seeking better economic opportunities; and b) to send a clear signal back to the would-be Vietnamese Boat People in Vietnam to deter them from arriving in Hong Kong when the monsoon season ends in March. In addition, as the attitude of Hong Kong people has become increasingly hostile towards the Vietnamese Boat People, this approach is probably a deliberate attempt by the British government to show them that the "mother country is doing something for the colony" and to satisfy the demand made by China that every Vietnamese must be out by 1997 when China takes over Hong Kong.

With over 50,000 Vietnamese Boat People in Hong Kong (as of August, 1989), and regardless of cries of protest (hunger strikes, demonstrations) in refugee camps and expressions of profound regret by countries such as Canada's, this forced repatriation is likely to continue as the solution to the Vietnamese Boat People crisis in Hong Kong unless a concerted effort is taken by the international community to effectively stop the continuing influx of Boat People into Hong Kong and/or launching a program to accept an increasing number of them for resettlement.

The attitude towards Vietnamese Boat People

Analyzing the Hong Kong people's attitude towards these refugees is a complicated task, because its root cause is not immediately apparent. It involves an acute sense of "helplessness" among Hong Kong people, particularly as a response to the June 1989 crisis in China. There is also a sense of "betrayal" and "abandonment" experienced by them in relation to the "right of abode" issue with the UK government. As well, a sense of being "victimized" resulting from the "power struggle" between the UNHCR and the UK is widely felt by the Hong Kong people. Hence, they do not want to be "burdened and troubled" by these "uninvited and unwelcome invaders." To understand this composite picture, it is necessary to take note of several factors:

1) As 1997 approaches (by a negotiated treaty between the UK and China, with minimal participation of

the Hong Kong government and people), Hong Kong will revert back to China. This by itself has created what is commonly known as "1997 jitters" resulting in thousands upon thousands of Hong Kong people applying for immigration to Canada, Australia, the USA and other places. However, many of the Hong Kong people, responding to the 10 years of "open door" policy instituted by the Beijing regime, are somewhat "hopeful" or, at least carried a certain level of "guarded optimism" that "business will be as usual" and their "life" will not be greatly or unduly "disrupted and dislocated." However, the June 1989 crisis in China provided a rude awakening. For many of them, there is no "escape route" from the impending "upheaval;" the sense of helplessness is acutely felt. While they make attempts to alleviate this sense of helplessness by capturing every opportunity to apply for visas to immigrate (for example, when Singapore announced in early August 1989 that criteria for accepting immigrants from Hong Kong would be greatly relaxed, literally thousands of people lined up at the Singapore High Commission overnight to get an application form, and, when completed, paid a sum of HK \$1,200 for processing), international communities such as the USA, the UK, Canada, Australia, and others do not take any interest in "listening" to their impending plight, and least of all, "offering" them an "escape route." On the other hand, meetings were held to discuss the Vietnamese Boat People. Implicitly or explicitly, Hong Kong was "criticized" for its treatment towards the refugees and was

"threatened" (US Senator Solaz's visit to Hong Kong in August 1989) that it would bear the consequence of being rejected by other countries when they themselves would be in a similar situation as a result of the 1997 takeover of Hong Kong by the Chinese government. This indeed has intensified their sense of helplessness and uncertainty in the near future.

2) The sense of "betrayal" and "abandonment" is directly related to the British government in its negotiation with the Chinese regime in Beijing. By and large, the "wheeling and dealing" was conducted, in the minds of Hong Kong people, without their "input" and without their "interest" being considered. They believed that the British government failed to negotiate a treaty with the Chinese regime that would guarantee their "security and stable future" in Hong Kong; and to provide them with an "escape route" in terms of granting them the right of abode in the UK had the situations after 1997 demanded. As over 3 million of the 6 million Hong Kong people were born there, as British subjects holding British passports, they believe that they have the inalienable right of abode in the UK. However, not only has the British government denied them this right, but in spite of increasing opposition towards the Vietnamese Boat People, it has insisted on maintaining Hong Kong as the first port of asylum — that is, imposing upon its colony the requirement that it continue the "open door policy" for incoming Vietnamese Boat People while it has neither increased its involvement in resettling these Boat People, nor sought to secure a viable solution with the international communities to the Boat People crisis in Hong Kong, nor made substantial contributions either in financial terms or in kind to the running and maintaining of refugee camps. For example, in view of recent disturbances in different refugee camps, it was suggested that

instead of over-stretching the limited resources of the Police force in Hong Kong, the British army stationed

there and supported by the Hong Kong taxpayers should be drafted to keep order. However, this suggestion was turned down with the explanation that this British army was not "trained" for civilian and/or police duties. The rejection was interpreted by the Hong Kong people as another indication of the British government's policy of "betrayal and abandonment." Worse, some Hong Kong people have interpreted this rejection, in conjunction with other issues mentioned, (e.g., maintaining Hong Kong as the first port of asylum), as a hidden agenda by the British government to bleed Hong Kong to death before the 1997 turn over.

3) As Hong Kong continues, reluctantly, to be the first port of asylum for the continuing influx of Vietnamese Boat People, it is not directly involved in the decision-making process. Any decision made is seen as a "power struggle" between the two major players in the game — the UNHCR and the UK with the USA calling the tune behind the scenes, while Hong Kong is either totally ignored or, at most, allowed to assume the role of "spectator." Its citizens feel "victimized" as "pawns" in the game. For example, with repatriation as the "game" played between the major players, the UNHCR, with the support of the USA, insists that this has to be done completely voluntarily on the part of the Vietnamese Boat People. The British government has yet to clearly spell out its position. The Hong Kong government, in spite of overwhelming support of the Hong Kong people for "repatriating" those Vietnamese Boat People who are "screened out" as non-refugees back to Vietnam, has been asked to approve additional funding to construct new refugee camps to reduce the overcrowded conditions in some existing camps (temporary holding centres) as well as to improve the living conditions for the Vietnamese Boat People in the existing camps. While the major players continue to seek a solution to settle the score and the Hong Kong people continue to pay

the UN's share of running the camps (the UN has yet to reimburse HK \$ 5 million for the fiscal year of 1989, to the Hong Kong government), repatriation is seen as a "farce." First, the number of Vietnamese Boat People voluntarily repatriated is small in comparison with arrivals. For example, on August 18, 1989, as the third group of some 121 Vietnamese Boat People leaving for Vietnam on board a jet, some 548 Boat People arrived in Hong Kong by sea. Second, since each repatriate was given a certain sum of money (US \$50) by the UNHCR prior to departure and often times, they used this sum of money to buy "luxurious items" in Hong Kong to bring back "home," the repatriation is seen as an "invitation" to other Vietnamese in Vietnam to come to Hong Kong. Indeed, there were reported cases that among the "newly arrived" Vietnamese Boat People, some were "ex-repatriates." (The UNHCR in Hong Kong initially denied this and later admitted that there might be a few cases.) Nevertheless, the sense of being "victimized" as a result of not being able to be "master of one's own home" is deeply and widely felt by the Hong Kong people.

In addition to the above-mentioned factors underscoring the largely negative attitude towards the Vietnamese Boat People in Hong Kong, a fuller comprehension of Hong Kong people's reaction to the Vietnamese Boat People requires a close examination on the following factors:

1) *Jealousy*: With the impending "take over" of Hong Kong by the Chinese regime, many Hong Kong people are trying to find an "escape route" by emigrating to other countries. In contrast to the Vietnamese Boat People, it appears that the chance for the latter to leave is much better than that of the Hong Kong people since the Vietnamese Boat People are still the subject of discussion in the international community. However, while the Hong Kong people are "crying out" for attention to their impending plight

and "making attempts" to alleviate this increasingly "heightened level of anxiety," they are at the same time forced to support others by letting them have the very chance which they have come to believe as the "solution" to their "problems." Hence, in spite of the appalling living conditions in camps, they are at least a step ahead of the Hong Kong people in terms of leaving for other secure places before the inevitable establishment of a larger refugee camp in Hong Kong, this time for the Hong Kong people.

(2) *Sense of injustice:* As a substantial portion of the Hong Kong people left China for Hong Kong in 1949 when the People's Republic of China was established, some still have relatives or even family members in China. The Hong Kong immigration regulations have made "family reunion" a difficult and long-drawn process. In addition, in an attempt to stem the flow of "illegal immigrants" from China entering Hong Kong, a policy of "immediate repatriation" was instituted between Hong Kong and China. In other words, if a person from China who is not a legal resident of Hong Kong is caught by the Hong Kong police in their routine checks of identity papers (every Hong Kong resident by law has to carry his/her identity card for inspection when asked to produce it by the police) he or she will be immediately sent back to China. There are cases of relatives and/or family members of Hong Kong residents, who bypassed the "normal process" of obtaining immigrant visas, being sent back to China. For example, in August 1989 a legal resident of Hong Kong went on a hunger strike to protest the government's decision not to allow his son to stay with him in Hong Kong. This case, once vividly reported in the media, has intensified the feeling of injustice which was aptly reflected and captured by the following statement: "We spend millions of dollars for the Vietnamese Boat People, why can't we afford to accept this little boy?!"

3) *Location of camps:* In an effort to alleviate the overcrowded conditions in the refugee camps, particularly in

the temporary holding centres, new camps are to be constructed. However, the decision of where the camp should be constructed is, by and large, made by the government without any consultation with the local people. Recently the government decided to build a new refugee camp within the vicinity of a reservoir in an outlying district. This choice drew criticism and protest from the Hong Kong people. Their reaction to this was undoubtedly related to what the media reported — instances of Vietnamese Boat People polluting the waters in and around their refugee camps. Therefore, the Hong Kong people do not believe, in spite of numerous assurances from the government, that security measures and other amenities built in the new camp would make it virtually impossible for the Vietnamese Boat People to do anything that would pollute the drinking water of the Hong Kong people. Nor do they believe that the government is taking their legitimate concerns seriously. Instead, the government is taking orders directly from the UK to improve the living conditions for the Vietnamese Boat People so as to appease the UNHCR and the international community to distract from the criticism of the inhumane treatment of the refugees.

The Hong Kong people not only had feelings, they acted. Their concerted efforts included a sit-in, demonstrations, camping on the proposed refugee camp site for nine days (they were ultimately removed by the police). Their suggestion of an alternate site failed to convince the government to change the decision. As such, they felt that not only was their legitimate concern totally ignored, but, more importantly, the "interest and welfare" of the Vietnamese Boat People was unreasonably given priority.

Combined with these various factors, media reports depicting criminal activities of Vietnamese Boat People, and saying that the latter were given priority in medical treatment (reluctantly admitted by one clinic

close to a refugee camp when they stated that they treated the Boat People brought in by authorities first because they did not want too many of them roaming around there while waiting for treatment) have effectively "hardened" the negative attitude of the Hong Kong people, who already lived in limited limited and congested living space, towards the Vietnamese Boat People as "unwanted and unwelcome people." The Vietnamese Boat People, the Hong Kong residents argued, usurped the already limited social and medical services, while the Hong Kong residents' "uncertainty" about their own future heightened daily.

Concluding remarks

The analysis of Hong Kong people's attitude towards the Vietnamese Boat People underscores the fact that any solution to the "Boat People crisis" has to address the concerns deeply felt by the Hong Kong people. As an August 1989 survey indicated, about two thirds of the Hong Kong people urged the Hong Kong government not to approve additional funding for building new refugee camps and that an even greater portion of them would like the Hong Kong government to "press" the British government to end the policy of making Hong Kong the first port of asylum, even though they realized that their "opinion and effort" would be a futile exercise. However, without addressing their concerns directly, efforts and measures taken to ease the plight of the Vietnamese Boat People in Hong Kong, particularly those currently in "closed centres," would merely fall on "deaf ears." The reason is that administrators and workers running these camps are themselves Hong Kong people who share and identify with the concerns of the rest of Hong Kong. Ultimately, it is conceivable that the Vietnamese Boat People (especially the women and children) may become the scapegoats and victims.

Lawrence Lam teaches sociology at York University.

Book Review

Josephine Reynell
*Political Pawns: Refugees
on the Thai-Kampuchean
Border*

Oxford: Refugee Studies
Programme, 1989

by Penny Van Esterick

September 25 — the BBC news reports that Buddhist monks, nuns, Islamic minorities, and Khmer classical dancers, as well as crowds of Phnom Penh citizens cheer the Vietnamese army in their final parade out of the city and country they occupied for over ten years. Khmer martial music plays in the background. And a country holds its breath.

Just as Cambodia is poised on the brink of an uncertain but almost inevitably violent future, so also, the Khmer in the refugee camps along the Thai-Cambodian border face an equally uncertain and insecure future. For their fate is closely tied to the power struggles in their homeland. Reynell's excellent study, *Political Pawns* ends with an eloquent statement of their position. "They are trapped without a voice in a highly volatile situation, pawns to both their own leaders and wider political interests. In the end, it is they who pay the highest price, for they pay with that which cannot be returned — their lives and their future" (p. 188).

The book deals with the border camps assisted by the United Nations Border Relief Operation (UNBRO), not the camps deeper within Thai territory assisted by the UNHCR. Detailed studies of Site 8 (Khmer Rouge), Site 2 (Kampuchean People's National

Liberation Front, KPNLF), and Greenhill (Prince Sihanouk) illustrate the effects each of these different political affiliations have on the social, political and economic life of the camps. The global context of these camps is presented in chapter one. Khmer border camps are acutely politicized and must be viewed as political entities in order to understand the basics of camp life. The historical and political background of the refugee flow is presented in chapter two, with a straightforward and reasonably objective treatment of the Khmer Rouge.

Chapter three benefits from the participant observation style of Reynell's ethnographic fieldwork. She documents the different ecological resources available to each camp, and the emergent socio-economic class divisions in each: military and civilian elite, professional traders, and people receiving money from abroad top the hierarchy, followed by those who supplement their rations through cultivation or trade, and lastly, those who have no resources to supplement their rations (pp. 49-50).

Chapter four examines power and the structure of aid in the closed Khmer camps. UNBRO attempts to delegate responsibility to the Khmer for running the border camps, but since so many critical decisions are made outside the camps, she concludes that "any attempts to support and validate the Khmer and their culture are undermined and contradicted by the interests and policies of the donor and host governments" (p. 63). Her frank discussion of corruption within camp administrations is in no way moralistic; instead it highlights the

conflicting interests within these border camps, and the expectations of the Khmer regarding the behaviour of those in positions of authority.

Chapter five reviews the camp economy based on the emergency food and non-food rations, augmented by smuggling, remittances from abroad, the sale of goods to local Thai, worker rations, supplementary food, informal barter, sale of crafts and services, and collecting or growing vegetables. She shows how these resources are redistributed within the camp.

A valuable comparison of the direct distribution of rations, and the "women only" distribution to females over eight, illustrates the advantages of the system of direct distribution and the effects that the system of distribution of rations has on the camp economy. Since the camp administrators determined the quantities of rice each person received (p. 75), the distribution of even basic foods becomes a political issue. Her detailed research for the World Food Program underscores the need for investigation of the distribution of food rations after they leave the distribution points, with particular attention to what happens when the rations do not fit with the taste preferences of those they are intended to feed.

Cash is a critical part of the household's economy because it gives people the flexibility to choose how to augment their rations. The most menial employment provides small amounts of cash, but, more significantly, reduces the monotony and stress of camp life, provides links to patrons, and lessens feelings of dependency and powerlessness. Several case studies illustrate the

combination of strategies used by camp families. In spite of these options, a good proportion of households in all three camps have insufficient rations to feed their members and no means of obtaining adequate food. This realistic description of the economic life of refugee camps effectively demonstrates "the total inadequacy of enclosed camp systems to provide long-term living environments" (p. 123).

Informal interviewing and participant observation reveals much more about the problems of camp security than would more formal methods of data collection. Chapter six is particularly disturbing as it reveals the coercive use of food and the intimidation of soldiers as "givens" of the camp situation. Problems of rape, robbery and assault become so much more terrifying in a closed environment. The camp inhabitants face dangers from within the camp and without, in the form of direct shelling. Violence against women takes the form of rape, forced marriages and assaults, reflecting both the abusive exercise of power and the frustration and boredom of camp life.

The social and psychological consequences of existing in such an insecure and unresponsive environment are outlined in chapter seven. Although the traditional Khmer healers and provision for some rites of passage may ease the suffering, the sense of hopelessness and despair is reflected in the phrase, "We have no future — we are just waiting to die" (p. 157). Unfortunately, the author does not examine the role of monks and Buddhism in the camps. Chapter eight reviews the educational opportunities within the camps and the difficulties of socializing children into a violent, frightening and hopeless environment.

Reynell's analysis differentiates carefully between theory and practice, the rhetoric of refugee agencies who must operate under certain rules, and the reality of the lived experience of camp inhabitants. She is sensitive to

both institutional structures and effective symbols, reflections of her anthropological training and methods. She is careful not to apportion blame on Thai administrators, international organizations, or NGOs without showing the constraints built in to the entire system of closed camps. She concludes that "no closed camp system could ever provide an acceptable environment in which people's physiological, social and psychological needs can be met" (p. 174).

In view of the current increase in military action by the Khmer Rouge following the departure of the Vietnamese army, Khmer in and out of the camps have reason to fear Khmer Rouge attempts to return to power. The border camps reveal that the Khmer Rouge have not altered their

style in the years since their savage abuse of power in the late seventies. Ironically, it appears that humanitarian aid in the border camps have assisted the regeneration of the military strength of the Khmer Rouge. But not all those in camps controlled by the Khmer Rouge support the resistance movement. Many are more like hostages, trapped in a double bind where human rights are sacrificed for military advantage. The border camps — particularly those controlled by the Khmer Rouge — can be read as microcosms of the wider search for a stable political solution for Cambodia, a search that must include an agreement concerning all the inhabitants of the border camps.

Penny Van Esterik teaches anthropology at York University.

Slides on Indochinese Refugees in Thailand

"A Look at the Indochinese Refugees in Thailand" is a set of 71 synchronized slides with accompanying script produced by the Indochinese Refugees Information Centre (IRIC) of the Institute of Asian Studies at Chulalongkorn University in Bangkok, Thailand. The slide set gives an informative overview of the predicament of the over 400,000 Indochinese refugees and displaced persons currently in refugee camps on the Thai-Cambodian and Thai-Lao borders. Special attention is given to the everyday existence of the refugees, the humanitarian assistance programs in the camps, the history of the Indochinese refugee movement, aspects of resettlement and the future outlook for refugees in Thailand. The slides are set to music, and the presentation lasts approximately 30

minutes. The cost is US \$35 per set, plus US \$8 for air mail postage, payable by cheque or money order. They are now available from the Indochinese Refugee Information Centre, Institute of Asian Studies, Chulalongkorn University, Bangkok 10330, Thailand.

IRB Chart Correction

Lila Goodspeed's and John Stevenson's Winnipeg telephone number was incorrectly listed in the IRB chart appearing on pp. 8-9 of our last issue (December 1989). Please note that the correct number should read: (204) 983-3553.

The Indochinese Refugee Information Centre (IRIC)

The Indochinese Refugee Information Centre (IRIC) was established in November 1987 within the Institute of Asian Studies, Chulalongkorn University. It is composed of researchers of the Institute of Asian Studies as well as professors of Chulalongkorn University and interested scholars.

The Centre's objectives are: to systematically collect information on Indochinese refugees; exchange information on Indochinese refugees by participating in an emerging international refugee documentation network; study and analyze problems and policies regarding Indochinese refugees; and provide organizations, individuals and academics in Southeast Asia with a better access to information on the wider refugee problem.

Present collections include books

and research papers; newspaper clippings, currently updated, special press audio-visual materials (slides, video-tapes, cassettes and photographs); conference materials (conference proceedings and reports); as well as journals and newsletters.

Publications appear mainly in English and Thai, but several documents in French, Japanese and Khmer are also represented. Emphasis is on material concerning Indochinese refugees in Thailand not selected for resettlement, but information on refugees resettled in third countries is also included.

The Centre is in close contact with institutions and information centres across Europe, Canada and the United States in order to share refugee information and cooperate in an international refugee documentation network. It is equally concerned with

broadening contacts with institutions in the Asian region.

IRIC has both an explicit academic purpose as well as a fundamentally humanitarian concern. It is the hope of the Centre that through the collection, analysis and dissemination of information on Indochinese refugees, the region's refugees problem can eventually be understood and solved. The Centre's main target groups, therefore, are non-governmental organizations, policy makers and academics.

For more information please contact the IRIC staff: Supang Chantavanich, coordinator; Marisa Benyasu, researcher and secretary; Kanokphan Sangruang, researcher; Saikaew Choosup, researcher; Paul Rabe, researcher.

Thorvald Stoltenberg New UNHCR Boss

Thorvald Stoltenberg, a former Norwegian foreign minister, 58, took over in January 1990 as United Nations High Commissioner for Refugees after being elected for a four-year term by the UN General Assembly on

November 20, 1989 to fill the position previously held by Swiss official Jean-Pierre Hocke, who resigned following allegations he misused a special educational fund.

Peter Zwart First Recipient of Kelly Award

Peter Zwart, Director of Sponsorship at the Council of Christian Reform Churches, is the first recipient of the Vincent Kelly Award. He is being honoured at the Centre for Refugee Studies annual dinner on

February 8th at the China Town International Restaurant for his personal contribution on behalf of his Church to overseas refugee work and to the sponsorship of refugees in Canada.

New Publications

- Tanya Basok's doctoral dissertation, highlighting her research on "durable solutions" and their practical applications in Costa Rica, has now been published under the title *Local Settlement and Salvadorean Refugees in Costa Rica: Small Urban Enterprises* (North York, Ontario: Centre for Refugee Studies, 1989). The price, including surface mail costs, is \$25 in Canada and US \$30 in all other countries. The publication is available from the Centre for Refugee Studies, York University, Suite 234, Administrative Studies Building, 4700 Keele St., North York, Ontario, Canada M3J 1P3.

Individual Human Rights Protection: The Case of State-Initiated Returnees

The Working Group on Refugee Protection of the Canadian Council of Refugees has released a discussion paper prepared by Tom Clark with colleagues from the 20th Study Session at the International Institute for Human Rights.

The paper briefly distinguishes asylum from the principal focus of the paper, return by a state. When a state act of return is explicitly or implicitly at issue in an asylum decision, the standard of procedure must be capable of protecting the human rights at issue in the return. The paper develops an approach which views the international and world regional human rights treaties as elaborating, never weakening, some of the rights declared universally.

The paper shows return is related to certain human rights by these treaties and by decisions of the UN Human Rights Committee and of the European and American Commissions and Courts. These rights include the 1951 Convention Concerning the Status of Refugees, Article 33 (life and liberty), the Convention against Torture, Article 3.1 (no torture), the International Covenant on Civil and Political Rights, Article 7 (no cruel or unusual treatment or punishment), the European Convention, Article 3 (no cruel or unusual treatment or punishment), Article 8 (family life), Article 6 (fair trial). The principle emerges that the sending state is responsible for anticipating and protecting the individual from violations of these rights as a result of

a state act of return. This is true despite the caution applied by these bodies that the rights are at issue only in certain situations.

The discussion paper considers the Fourth Geneva Convention and argues that states who wish to return nationals to armed conflicts are situated with respect to these nationals as would be a Detaining Power and therefore should be governed by Article 45. Under this provision, protected persons (civilians) may not be transferred to a Power by a Detaining Power until "after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention." The Fourth Convention, in Article 3, sets out the violations prohibited and the human rights at issue.

The paper notes that in a return procedure, the standard of justice must be able to protect all these rights shown to be at issue, including the "life and liberty" at issue for refugees or asylum seekers. Most of these rights are shown to be non-derogable and a case is made that the due process or fair trial involved must itself be non-derogable.

The paper examines what procedural standard should apply. Since liberty is involved, detention standards apply. Since life is at issue in return and also in only the most serious of criminal cases, at least the provisions for criminal cases should apply. Procedural provisions for several treaties are reviewed and an

appropriate procedural standard deduced.

The paper discusses the effect of interaction between treaty provisions and the effect of equality rights provisions. Whereas examination of the class of person may be appropriate in identifying a "refugee" from a historic context, a person cannot be discriminated against on a class of person basis in a procedure to protect fundamental rights at issue in a proposed current state act of return. This is true even when the distinction is made between aliens legally on a territory and those not. Only the potential violation of the rights at issue in the act of return should be considered.

Noting the need of states to have a simple procedure to implement, the paper suggests that the Fourth Geneva Convention Article 45, expanded to refer to elements of Article 3, is a test for safety in return and suggests that procedures used for asylum-granting could be relatively easily improved to deal with state responsibilities to protect in proposed acts of forcible return.

Copies are available at cost from the Canadian Council for Refugees, 4285 de Maisonneuve Ouest, Montréal, Québec H3Z 1K7 or Tom Clark, 40 St. Clair Avenue East, Toronto, Ontario M4T 1M9. A discussion proposal, "Procedural Safeguards for refugee Claimants," by David Matas is also available.

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Canadian Immigration Law and Policy Conference

The Canadian Bar Association is organizing a major conference on Canadian immigration law and policy at the Bonaventure Hilton International in Montréal on February 15-17, 1990. Issues will vary from advocacy law, the selection system, the role of the provinces, refugees and immigrant women to representation of immigrants and immigration for business.

Two workshops in particular deal largely with refugee issues.

The first one, on refugee and immigrant women, starts at 3:45 pm on Friday, February 16th. Its moderator is Dora Lam (Beaumont Church & Scott, Calgary, Alberta) and the speakers are Nanette Kelly (Coordinator, Geneva Conference on Refugee Women, Toronto, Ontario), Linda Holmes (Employment & Immigration Canada, Hull/Ottawa) and Juanita Westmoreland-Traoré (President, Québec Commission on Cultural Communities & Immigration, Montréal, Québec).

The second one, on refugees, starts at 10:30 am on Saturday, February 17th. Its moderator is Pierre Duquette (Borenstein Duquette Brott, Montréal, Québec) while the speakers are David Matas (Chairman of the Working

Group on Overseas Protection of the Canadian Council for Refugees, Winnipeg, Manitoba), Jim Hathaway (Osgoode Hall, York University, North York, Ontario), Noël St-Pierre (UNHCR representative, Montréal, Québec) and Arthur Helton (Director, Political Asylum Project, Lawyers Committee for Human Rights, New York, New York).

The conference is open to all those interested. For further information on the program, including registration fees and accommodation, please contact the Canadian Bar Association, 50 O'Connor, Suite 902, Ottawa, K1P 6L2, tel.: (613) 237-2925, fax: (613) 237-0185. For air travel convention rates call: (800) 361-7585 and quote Event #90-495.

The Search for Peace in Uganda International Symposium

World University Services of Canada Local Committee at Queen's and Queen's University at Kingston, Ontario, in conjunction with Ugandans residing in Kingston, Toronto, Ottawa and elsewhere in Canada have planned a three-day international symposium, "The Search for Peace in Uganda: Let Us Document the Events", to be held at Queen's main campus at Kingston on May 5-7, 1990.

The main objective of this event is to inform the international community

about the current political, socio-economic and cultural conditions in Uganda and to search for meaningful alternative solutions to the problems. Among other topics, the conditions of Ugandan refugees in the Sudan, Zaire, Kenya and other neighbouring countries will be discussed. For further information about registration fees and accommodation, contact Oryema Johnson, 24 Collingwood Street, Kingston, Ontario K7L 3X4, tel.: (613) 547-4362.