



Indochina Resource Action Center

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A POLITICAL SOLUTION TO THE REFUGEE PROBLEM AND PROSPECTS FOR U.S.-VIETNAM NORMALIZATION

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Following is a translated transcription of a talk given in Vietnamese by IRAC President Le Xuan Khoa at Stanford University on September 14, 1990. The translation was done by Ton That Khoa for posting on Viet Net. The translator cautioned that "this is not a sentence by sentence translation or a word by word translation. Rather, it is at best a point by point translation of the lecture. Most of the speaker's eloquence was lost in the translation, regrettably."

I would like to allocate more time for posing questions and exchanging ideas than to lecturing today. While I present to you information, please note any ideas or questions and stop me to ask them any time. The more questions there are and the harder the questions, the more effective our discussion will be.

Political changes today in Southeast Asia, Cambodia, as well as in the U.S., including the first conference between Washington and Hanoi in 15 years regarding Cambodia (though one knows that Vietnam must be hidden somewhere in the agenda) will have great effect on the lives of Vietnamese in refugee camps, in our homeland, as well as in our communities. For us to start thinking about these issues now is already late, but at least we will have some discussions among ourselves. We may have differing points of view, but we have the same purpose. We must be able to accept these different views with the understanding that we do have the same goal, and work them to form a strong voice with which to influence the U.S. government in its policy making process. With concerted efforts, we will be able to play an effective role in shaping the future of Vietnam.

After the preceding preamble, I would like to start the main topic for today, which is the issue of a political solution to the Vietnamese refugee problem.

The refugee issue, at first, was a humanitarian one. Now, however, it has become a political one, and will no longer yield to a humanitarian solution but will require a political solution. At the end of April and beginning of May 1975, when the first 125,000 Vietnamese refugees fled their homeland, they were welcomed with open arms by the nations of the world. It was a very warm welcome. Next, in 1979, another wave of refugees fled Vietnam, what we refer to as the Second Wave. The second wave, which numbered even more than the first, flooded the beaches of first asylum countries, causing adverse reactions from these countries. For instance, Thailand and Malaysia started pushing boats away and Malaysia even threatened to shoot at boats insisting on landing on its beaches. We

can see that the second wave did not get the welcome of the first — it began what can be referred to as the first Vietnamese refugee crisis. This crisis affected the world to the extent that an international conference was called in Geneva.

In 1979, the first international conference to address the plight of the Vietnamese refugees met in Geneva. This conference, as we know, operated solely from humanitarian concern. President Carter proclaimed at the conference that the U.S. opens its arms to the Vietnamese refugees. At this time, all refugees were political refugees; the term economic refugees was never in use. President Carter increased the quota of refugees entering the U.S. to 168,000, averaging 14,000 per month. The world followed this lead as was apparent in the Geneva conference, where major countries such as Great Britain, France, Australia, and Canada promised to accept a very large number of refugees. The sympathy of Western nations towards the refugees was strong. They called on first asylum countries to continue to take in refugees on a temporary basis (thus the term "first asylum"), with the understanding that the Western nations would eventually accept all refugees into their countries. This process was the outcome of the Geneva conference, agreed on by all. Western countries had agreed on the process because 1) the Vietnamese refugee crisis had escalated, and 2) the first asylum countries were reacting strongly, inhumanely to the refugees. The incidents of denial and shooting at refugee boats had called forth the conscience of the world, and the decision made at that Geneva conference in 1979 was entirely humanitarian in nature. The Southeast Asian countries of first asylum, with the assurance of the Western nations, began again to accept and welcome refugees to safety.

As time passed, the second wave subsided, only to increase again in 1985. In 1986, 1987, the number of refugees coming to first asylum countries steadily increased, whereas the number resettled decreased. This was a prelude to the second refugee crisis. The asylum countries seeing that they would be carrying the burden of the

refugee crisis, wanted a solution, either by stopping the number coming in or increasing the resettled number.

In 1988, the second refugee crisis ignited in Hong Kong. Unlike previous years, where the Southeast Asian countries were getting the bulk of the refugees, in 1979 the majority traveled to Hong Kong. We can see a shift in the direction of refugees. We will see why this was a political move on the part of the Vietnamese communists.

The number of refugees that came to Hong Kong increased steadily, such that Hong Kong had to ship refugees to deserted islands, or to floating barges. Existing refugee camps were stuffed like sardine cans. Living conditions were extremely poor. Hong Kong citizens demonstrated in the streets against allowing more refugees in, forcing officials to request Great Britain to voice a protest against the U.S. and Vietnam.

To alleviate the tension and preclude a reoccurrence of 1979, our community appealed internationally to find a permanent solution to the refugee problem. It was at this time that IRAC organized an international conference in Washington, D.C. In June 1988, representatives of nations of first asylum as well as nations of permanent resettlement were invited to attend a three-day assembly. Fifteen nations, including Communist China and the Soviet Union, agreed to attend. This conference concluded that the solution must be an international one, and was not the responsibility of the U.S. alone, nor that of Southeast Asian nations alone. The consensus was also that the solution must be a permanent one, not involving temporary asylum only, and that the problem must be solved at the root cause.

One year later a second international conference convened by the United Nations met at Geneva, ten years after the first. There were 79 countries present. The result was the adoption of a Comprehensive Plan of Action (CPA).

Before discussing this plan, I would like to go back to the direction of the second wave of refugees. We can see three characteristics of the waves of refugees in general.

Firstly, there is spontaneous exodus. This is when a person truly flees from communism, which is seen most clearly in 1975, and continues until this day. Spontaneous exodus did not stop after 1975.

Secondly, in 1979-80, there was forced exodus. Some of you may be shocked hearing of this . . . "Why would the government force its people to leave?" After Vietnam and China battled, Vietnam was wary of the Chinese-Vietnamese portion of its population being a "fifth column," a hidden enemy force within its midst. This turn of events is a strange one in the communist family. For

during the war with the U.S. and South Vietnam, North Vietnam and China were like brothers. Often broadcast and written were the phrase "China and Vietnam are like teeth and lips." Ironically, the teeth were later to bite the lips. Once this happened, there was a separation, and Chinese-Vietnamese within Vietnam were all suspect. Vietnam instituted a forced exodus of all Chinese from its soil. There were 260,000 Chinese-Vietnamese refugees in camps in China, the rest were pushed out to sea, towards Malaysia and Hong Kong. These people were forced by the government to become refugees.

Thirdly, there is a group who are encouraged, or allowed, to leave Vietnam. This group consists mainly of North Vietnamese, leaving from North Vietnam. Understandably, they would set sight for Hong Kong, due to its geographic proximity.

We should note that according to statistics, in 1986, there were 1,821 refugees landing in Hong Kong. In 1987, there were 3,300, in 1988, there was a jump to 18,400, and by 1989, the number was 35,000. There was a drastic change from 1986 to 1989. Therefore, it is not coincidental, but must have been easy for people to leave Vietnam in 1989. At the Geneva conference in June 1989, Great Britain's Foreign Minister Sir Geoffrey Howe asked the Vietnamese to stop "exporting" refugees. There is some validity in using the word "export." Even the refugees themselves tell of the government organizing large groups to leave Vietnam. Those who wished to leave had to pay for the privilege, though there must have been some who did not. Generally, leaving Vietnam was easy to do. Though we cannot confirm the above, we believe this is so, which explains the great increase in the number of refugees in 1989.

We have not explained why the Vietnamese government would want to export its citizenry. The reason is becoming clearer and clearer: it is a move made to create a refugee crisis. First of all, there are two advantages, one short term, one long term.

When the initial wave of refugees left, the government worked to recapture them, for the sake of recapturing. When captured, the refugees' possessions were taken from them, and fines levied. Later, capturing refugees became a business, an extra source of income for government officials at all levels. Estimates are that if the number of refugees leaving Vietnam were to stay constant, the government would make \$150 million to \$200 million a year. In times of economic poverty, this scheme provided revenue for the government, therefore is not illogical.

The major purpose, however, is not the small-time business above, but to create a refugee crisis. The long term goal for Vietnam is the wish to eliminate the

international economic blockade which was placed upon it in 1979 after Vietnam invaded Cambodia. Since economic poverty threatened the country dangerously, Vietnam had to find ways to relieve the embargo.

In creating a refugee crisis, Vietnam wanted Hong Kong and Great Britain to arbitrate, as they have done. Hong Kong even paid Hanoi for refugees it returned. Hong Kong also asked Hanoi to accept forcibly returned refugees. But Vietnam is intelligent. It accepted 51 refugees whom Hong Kong forcefully returned, and found that this did not go well. Using humanitarian reasons, Vietnam proclaimed that it will accept only refugees returned voluntarily. This stance aligned Vietnam with the U.S., which is strongly against Hong Kong's involuntary repatriation policies. The U.S. is slowly coming down on the same side, against the rest of the free world. In a recent conference on forced repatriation, 28 out of 30 nations involved were pro-repatriation, while the U.S. and Vietnam were the only two against. This produced strange bedfellows indeed.

The unnatural alignment of the U.S. and Vietnam on this issue shows us that this is all a game of high politics — where refugees are the pawns — played by nations of the world. Pawns are also victims. Victims of pirates, victims of bad treatment by nations of first asylum, victims of exploitation by Vietnam.

Let's come back to the international Geneva conference in 1989 and the Comprehensive Plan of Action. This plan provided six main points to solve the Vietnamese refugee problem at its root. Yet, at close inspection, we will see that this plan is not a comprehensive permanent solution, but just another temporary one.

Less than a year into its application, the CPA has run into difficulties, to the point of threatened elimination of the plan. At the peak of its difficulties, Secretary Baker had to step forward and issue a statement which temporarily salvaged the plan from immediate death.

Let us now look at the major provisions of the plan:

1. *Vietnam must work to reduce the number of refugees leaving.* This was not successful, since Vietnam does not seem to be trying very hard. Many refugees are still leaving the country.
2. *Implement Orderly Departure Program (ODP).* This point was carried out successfully. Many thousands of people have come through this channel. Before the 1989 Geneva conference, Vietnam had closed the ODP program. After the conference, Vietnam re-opened and even widened its ODP program.

3. *First asylum countries must continue to allow refugees to come.* This point is not successful. For the first few months all went well, but when the waves kept coming, the countries became more and more reluctant. Thailand is known to accept some, while turning others away. Hong Kong has not turned anyone away, but is complaining quite loudly, and treating refugees badly. Malaysia is the first nation to completely refuse to allow any new refugees to land, even though its Foreign Minister chaired the same Geneva conference which produced the CPA. It is estimated that Malaysia has turned away almost 10,000 people in the last year, the majority of whom have gone on to Indonesia, and a small portion to Australia. Therefore, we can see that this provision is not successful, especially since other countries are beginning to follow Malaysia's lead.

4. *Apply screening policies to determine whether refugees are political or economic.* Hong Kong had been implementing screening policies since June 16, 1988, but the process was not officially recognized until this plan. This point is unsuccessful, due to the fact that studies have shown the screening procedures to be badly flawed. Other countries implemented screening policies as well, although their results were not disclosed. Of late, we have learned that Malaysia passed 20%-25%, Thailand: 30%, Indonesia: 30%, and Hong Kong remained at 10%.² Though we cannot say this provision was a failure, it was not a success. More correctly, it was a serious problem.

5. *Long-stayers, refugees who arrived in Hong Kong before June 16, 1988, and those who arrived in other Southeast Asian countries before March 14, 1989, were granted refugee status by this provision.* Those who arrived after the above cut-off dates must submit to screening. Those who were classified as political refugees, whether by time of arrival or through screening, were to be resettled.

These are the first five provisions set at Geneva. We can see that Provision 1: stopping the wave of refugees, was a failure. Provision 2: ODP, success. Provisions 3: open first asylum, and 4: screening, were failures. Provision 5: resettlement, was successful. Provision 5, we consider successful because there were almost 50,000 "long-stayers" of which the U.S. agreed to resettle 40% (about 22,000) and leave the rest for other nations. This resettlement policy was implemented well, and realistically, though the Geneva conference set a three-year goal, I believe these refugees will be resettled ahead of schedule.

The important point, however, is that tens of thousands of people who are screened out, in addition to those still coming, are left unconsidered by provisions of the CPA.

6. *Repatriation.* This sixth provision stated that those refugees who are screened out must be returned to Vietnam. But how will repatriation be implemented? The provision stated that a voluntary repatriation program shall be effected. After a "reasonable amount of time," if this program does not work, "other alternatives, other options, would be considered."

After a year and only about 5,000 out of some 50,000 people in Hong Kong camps voluntarily returned to Vietnam, Hong Kong declared the voluntary repatriation program a failure and started its forced repatriation program. At the weak protests of the world, Hong Kong forcibly returned 51 people. This was stopped only by strong protests from the U.S. and others. At this point in time, Malaysia definitely will not accept new refugee boats, and Indonesia is urging forced repatriation.

In January of 1990, 26 out of 28 countries favored forced repatriation, with the exception of the U.S. and Vietnam. In May 1990, at an international steering committee meeting, after failure to resolve the issue, the U.S. and Vietnam received ultimatums. The ultimatum to Vietnam stated that if it does not agree to accept repatriates, these refugees will be sent back regardless. The ultimatum for the U.S. was issued to U.S. representatives. While other countries were represented by Foreign Ministers at the conference, the U.S.'s representatives were of lower rank. These representatives were unable to reply to the ultimatum but carried it back to the U.S. To follow up, six Southeast Asian country ambassadors and Great Britain's ambassador requested a meeting with Secretary of State Baker or Undersecretary Solomon, but both Baker and Solomon could not find time to receive the seven ambassadors. This is a first in the history of foreign relations of the U.S. This delegation of ambassadors were eventually received by a Deputy Assistant Secretary, who accepted the ultimatum to present to the Secretary of State.

But this is all history. Now, I would like to come to the main point of this program today, and that is where we stand before the new situation. The situation is that the refugee issue is no longer a humanitarian one but a political one, requiring a real solution, not an *ad hoc* one. It must be resolved politically with the main entities involved, and not the secondary ones. The source of the refugee problem is Vietnam, so we must resolve it with Vietnam. We can see that currently, we are only at the beginning of this process.

The U.S. has stated that before it negotiates with Vietnam about the refugee crisis, Vietnam must resolve the Cambodian issue. This point, I believe, is a crucial one. On the surface, the issue of the U.S. establishing diplomatic relations with Vietnam is proceeding well.

Points thought to be insurmountable, such as the inclusion of Khmer Rouge in the Supreme National Council, and giving the United Nations power to organize the general election, were agreed to by Vietnam. The basic impasses are seemingly successfully passed. More importantly, there is unity of thought among communist countries regarding Cambodia; the Soviet Union is no longer supporting Vietnam, and China claims to no longer support the Khmer Rouge. We must note that these stands are conceptual, and we do not know whether they exist in reality.

There are two questions. If everything goes well, when the Paris conference reconvenes in October to address the problem of Cambodia, and accepts unanimously the above issue, all conditions issued by the U.S. on Cambodia would be satisfied. The U.S. would no longer have any reason not to establish relations with Vietnam. We can see that, if everything goes well as planned, by the end of the year, there could be U.S.-Vietnam negotiations.

If something goes wrong — and there are plenty of chances for this to happen when dealing with issues of fighting for land and people — will the U.S. still establish relations with Vietnam? Many have posed this question. If Vietnam in good faith tries to resolve the issues with Cambodia, but cannot through circumstances outside its control, will the U.S. proceed? We can see that there will be normalized U.S.-Vietnam relations in the future. The question now is how much longer before this happens.

It may be a better thing if normalization comes later than sooner, for if it comes too soon, we will not be able to get ready in time. If we do not prepare ourselves for the day, the question of sooner or later becomes moot. Therefore preparation is imperative. Let's discuss how we can prepare, and what we can prepare. I think that it would be pretentious for me to simply tell you my ideas of how best to prepare, thus my initial insistence that this be a discussion session. I will present my thoughts, but I do not wish my ideas to dominate yours, so let us discuss your thoughts as well.

I would like now to address three objectives, not political objectives, but humanitarian ones. There are two points regarding these objectives that I would like to convey. Firstly, the objectives present a direction for our preparation, based on our collective point of view. We should not want something too idealistic, rather that which can be achieved realistically. Secondly, these objectives serve to collect our thoughts on U.S.-Vietnam normalization. We can be sure that normalization will happen sooner or later. If we should strive to prepare for normalization, what will be our attitude when it happens?

The first objective is to resolve the problem of some

100,000 refugees in the camps not considered political refugees. How? Technically, when normalization occurs, these refugees will be returned to Vietnam. How will they be returned, and how will their lives be once they have returned? Will all 100,000 be returned, or is there hope that a portion can be resettled? I do not believe we will allow all refugees to be returned, nor will all be resettled. In this respect, we can issue one last request, a demand of grace: once relations have been normalized and there are no longer refugees fleeing Vietnam, let the ones who have already fled be resettled. This demand we cannot issue now, for it will certainly be refused. But we must be prepared to make this request. I do not realistically hope for all these refugees to be resettled, but at least all will not be returned. There are officials in the United Nations today who, in private conferences, agree that there is a grey area in the group of people denied resettlement. This grey area we must save, by waiting until the right time to demand that these people be resettled. This demand would never be satisfied if we issued it today. Timing, therefore, is essential.

I see that there is hope for a portion of refugees in this grey area be resettled. For those who must be returned to Vietnam, we must try to ensure that they will be able to live peacefully. We should prepare for these people as well, and not just for those to be resettled. This then, is the first objective.

The second objective is to eliminate the reasons for Vietnamese people to flee Vietnam. Once relations have normalized, there will be official representations such as embassies established; exodus via boats like today will no longer be accepted internationally as it is today. Therefore, when the U.S. sits down to negotiate with Vietnam, we must have prepared for the negotiators the requirements from Hanoi. To demand additional requirements after all papers have been signed would be too late. We must present the requirements for living conditions in Vietnam to Congress and discuss with them these issues, before the U.S. negotiates. The second objective is then, to present economic issues, social issues, human rights issues, as well as the requirements necessary so that the U.S.-Vietnam negotiations will achieve, not for those of us who live abroad, but for our countrymen in Vietnam, a good future.

The third objective pertains to us. We have to consider what normalization will mean to Vietnamese living abroad. Can we say that we are Americans and therefore will not be affected? We can, but we would not be completely correct. Firstly, under the current Vietnamese law, we are citizens of two countries. If a Vietnamese-American citizen were to set foot in Vietnam, he should be a Vietnamese citizen under the eyes of the Vietnamese government, with all rights and obligations. This is an

important issue which must be addressed at the negotiating table. Secondly, based on an emotional attachment to the land of our birth, we should not say that since we are American citizens, we are no longer affiliated with Vietnam or the Vietnamese people. When we have normalization, we cannot completely neglect this affiliation, for it is easy to see our returning to Vietnam.

If all that is said and done succeeds, we will see a democratic Vietnam with an open market economy. There is much hope for this, given the current events in Europe. Should this happen, returning to Vietnam will be a common occurrence. Furthermore, once the Vietnamese government has established an embassy in the U.S., can we let it apply Vietnamese laws on Vietnamese-Americans? Therefore, the issue of citizenship under the law cannot be left unresolved.

What of the rights and properties of Vietnamese-Americans? We should demand return or reimbursement for the properties we left behind. Though not a major issue, we must present it, as well as others, to fight for the rights of Vietnamese overseas, at the negotiations. To do so, however, we must have strong community empowerment and support here in the U.S.

To summarize the three objectives I set forth, which are not political in nature but based solely on humanitarian principles, are to formulate a plan to help the Vietnamese refugees, a plan to ensure the well being of Vietnamese people in Vietnam through economic, political, and social reforms, and a plan to protect the rights of Vietnamese overseas, all in time for U.S.-Vietnam negotiations.

These are the points I wished to bring forth today, and I would like to conclude here and invite thoughts and ideas from you.

NOTES

1. See "A Summary Report of IRAC's First Asylum Conference" in *The Bridge*, Vol. V, No. 3, September 1988, pp. 5-8. Copies available at IRAC.
2. The most recent information provided by UNHCR shows that the cumulative ratio for screened-in is 15% in Thailand. According to the Hong Kong Economic and Trade Office, by December 1990, an overall post-appeal total of screened-in has increased to 19.6% in the Crown Territory.

(These endnotes are added by IRAC)