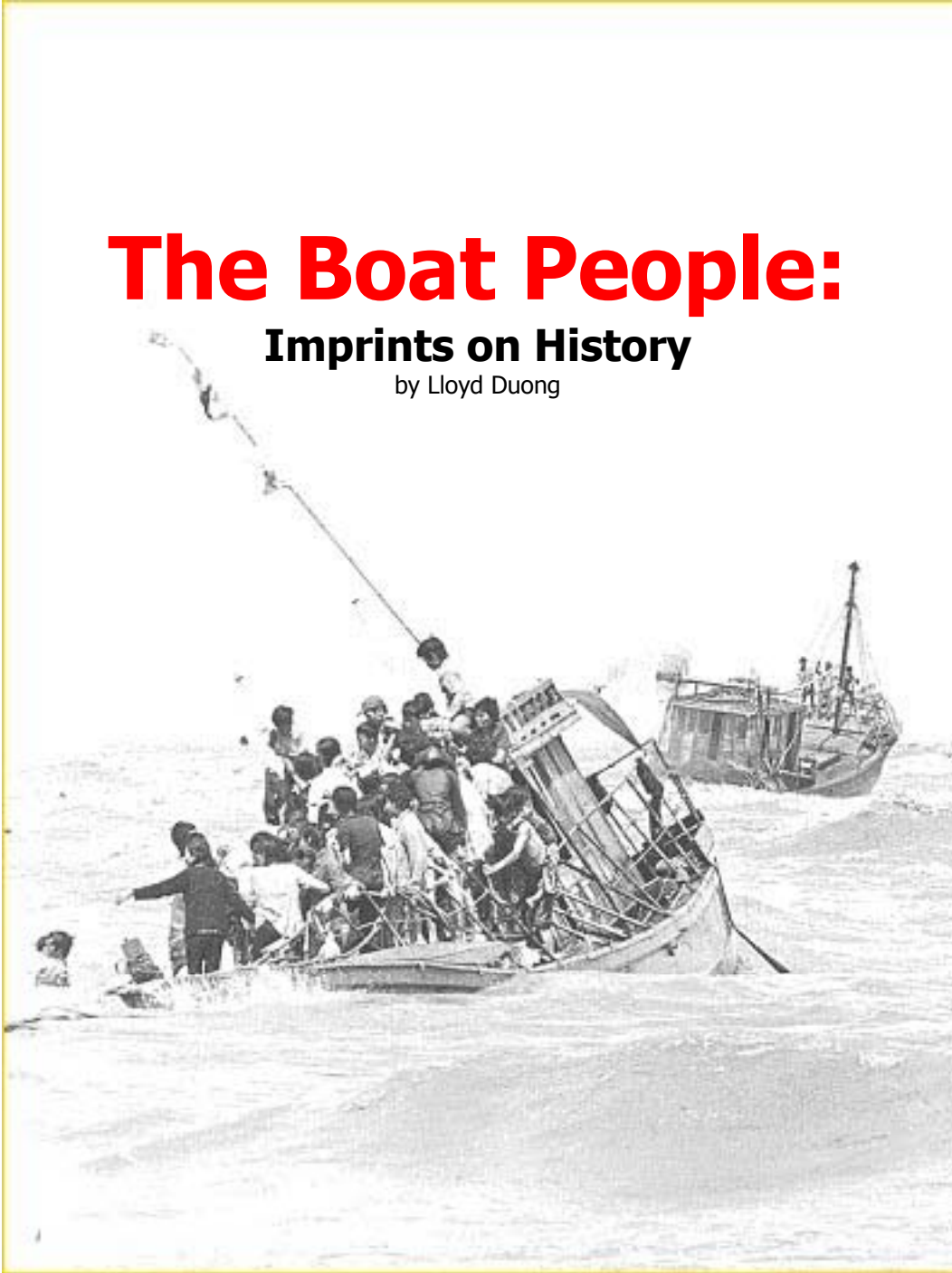


The Boat People:

Imprints on History

by Lloyd Duong



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This book is dedicated to the Vietnamese boat people who suffered and perished at sea in the quest for freedom, to those who continue to struggle for liberty, and to individuals, organizations and countries that have assisted refugees in the past, at present time and in the future.

The Boat People: *Imprints on History*, 1059 pages, by Lloyd Duong (**Thuyền Nhân: Ấn Tích Lịch Sử** của Dương Thành Lợi) @ Reference: Canada's Digital Collections and also available for research purposes at the Southeast Asian Archives of the University of California - Irvine.



The author, a refugee at age 14, demonstrated to the international rescue team how he was tied by pirates in the Gulf of Thailand. Resettled in Canada in early 1980, Lloyd Duong completed graduate business and legal studies while founding the *Vietnamese University Students' Federation of Ontario (VNUSFO)* and organizing many activities such as the VNUSFO's summer camps and mass demonstrations in support of Vietnamese asylum-seekers. After spending several years in private and public sectors in positions ranging from Analyst - Economic Forecast and Financial Planning to Crown Prosecutor, L. Duong is presently a defense attorney who divides his time between academic research in Boston and legal duties in Toronto. He has published several researches including *International Trade and Developing Nations*, *Western Political Ideas*, and *Eastern Political Philosophy*.

Tác giả nguyên là thuyền nhân, 14 tuổi, đang diễn tả cho nhân viên cứu vớt về kinh nghiệm ghe tị nạn bị hải tặc tấn công ở vịnh Thái Lan. Định cư tại Gia Nã Đại vào đầu năm 1980, trong khi hoàn tất cao học thương mại và pháp luật, DTL thành lập *Tổng Hội Sinh Viên Việt Nam tỉnh bang Ontario* và tổ chức nhiều sinh hoạt cho giới trẻ như trại hè và các chương trình cứu trợ tị nạn như *Boat People S.O.S. Day*. Sau thời gian làm việc cho chính quyền liên bang, tỉnh bang và hai đại doanh nghiệp trong nhiều trách vụ từ *Chuyên Gia Dự Phóng Kinh Tế* và *Kế Hoạch Tài Chánh* đến *Biện Lý Bộ Tư Pháp*, DT từ nhiệm đề trở thành luật sư biện hộ. Vài tài liệu nghiên cứu của DTL đã được xuất bản như *International Trade and Developing Nations*, *Triết Lý Quốc Trị Đông Phương*, *Triết Lý Quốc Trị Tây Phương*.



'At no time did the boat people intend to craft history; but their tragic struggle and unfailing hopes have engraved astonishing marks on the memorable course of human affairs.'

A Historic Exodus of Tragedy and Triumph

In order to comprehend the aspiration of any group of citizens, one needs to learn the cause of their flight. The Vietnamese boat people's tragedy and triumph are legendary, and their extreme sufferings and subsequent successes have carved many historic imprints: *(i)* their exodus was a profound ordeal of biblical proportions originated from their unqualified objection to the communist oppressive policies and Hanoi's expulsion scheme, an inhumane ploy that appeared for the first time in the history of Vietnam; *(ii)* their inconceivable sufferings evoked the dreadful 'holocaust' memories in the mind of most observers, who unhesitatingly invented the term 'Asian holocaust' to describe the boat people's unimaginable anguish at sea; *(iii)* their massive departure

instituted two largest-ever international conferences on refugees attended by ministerial delegates from both the communist camp and the free world; (iv) their courageous escape signaled the worst policy ever undertaken by the Communist Party of Vietnam (CPV) since its inception in 1930 because Hanoi's expulsion policy backfired as many pro-Democracy dissidents now living overseas could effectively counteract the CPV's oppressive initiatives; and (v) their historic journey led to the establishment of a dynamic overseas Vietnamese community of over two million members, who successfully rebuilt their lives and began to assert their influence in the gradual democratization of Vietnam.

Over the last quarter of the 20th Century, nearly two million Vietnamese asylum-seekers risked their lives to flee communist persecution and search for liberty and democracy elsewhere. Many ill-fated victims were robbed, raped, kidnapped, murdered and died without any trace in the Gulf of Thailand or the South China Sea; and three-quarters of a million refugees were fortunate to reach safety in various countries of final asylum across the world. The boat people's tragedy was exceedingly horrific, but their subsequent triumph could be characterized as incredibly impressive. Contrary to Hanoi's defamatory portray of Vietnamese refugees as social outcasts, the boat people's spectacular professional and vocational successes in final-asylum countries demonstrate unequivocally that they are dedicated individuals with highly-prided work ethics and can make significant contributions to any society that values the free exchange of ideas and encourages autonomous efforts. The boat people's successes, which are remarkable in light of their past horrifying experience and recent arrival in final-asylum countries, depend almost completely on the strength of their family life and cultural values with a special emphasis on family cohesiveness, spirituality, education, humanism and achievement.

At no time did the boat people intend to craft history; but their tragic struggle and unflinching hopes have engraved astonishing marks on the memorable course of human affairs. The history of mankind will undoubtedly record many more magnificent imprints of Vietnamese refugees, whose exodus only ends where liberty and democracy triumph. A comprehensive record of the boat people's complete history would perhaps contain many volumes and take years to assemble, and this book does not endeavor to accomplish that ambitious goal. *The Boat People: Imprints on History* strives to attain a rather modest objective: to feature the most extraordinary highlights of the boat people's tragedy and triumph over the past quarter of a century. The book tries to depict a realistic picture of factual despairs, courageous hopes and incredible compassion which every Vietnamese refugee, his or her relatives and generous benefactors would recognize their reflection.

The Boat People: Imprints on History could never be completed timely without the invaluable assistance of various acquaintances and friends, whose precious support in many ways have proven to be indispensable, and I hereby wish to express my deep appreciation for their special contributions: Mr. Bern McDougall, a kindhearted Australian journalist whom I first met in the Gulf of Thailand

during one of the most dangerous moments in life; Mr. Nguyễn Ngọc Liêm of the *Association des Jeunes Vietnamiens de France* in Paris; Ms. Anne Frank of the Southeast Asian Archives at the University of California - Irvine; UNHCR staff in Geneva, particularly Ms. Anneliese Hollmann, Ms. Anne Kellner and Ertan Corlulu; Ms. Hồ H. Thanh Nguyễn of Ottawa for her photographs; Ms. Nicole Nga Nguyễn, last Chairperson of *Project Ngọc*; all my friends who have shared with me their life experience; and last but not least, my beloved wife Lý Ngọc Liễu Anh for her insightful wisdom, objective and enchanting critiques as well as her kind and patient sacrifice because each page of this book *'liberated'* at least three to five hours from our scarce family time.

In spite of the aforementioned invaluable assistance, this book undoubtedly contains mistakes that are solely mine and mine alone. Scrambled for limited time between professional duties and social obligations, I quickly learned that time constraint could jeopardize any opportunity for crafting perfect compositions and therefore earnestly beg the readers for forgiveness over any literary shortcomings.

Lloyd Duong



The principal cause of the boat people exodus of biblical proportions was Hanoi's relentless endeavor to eliminate fundamental liberties, non-communist ways of life and beliefs. (Photo: B. McDougall)

I

Root Cause of the Exodus

'It is better to drown at sea than to live under Communism.'

A popular statement often expressed by many people in Vietnam after 1975.

Ancient legends of the Vietnamese people depict their country's founders, Princess Âu Cơ and Emperor Lạc Long Quân, as having 100 children. After assigning responsibilities to various princes, the founding parents decided to divide the children into two groups and relocate them to strategic regions in order to facilitate the administration of the state. Princess Âu Cơ took the first group to the highland and eventually established the governing rank of thần núi (king of the mountain). Emperor Lạc Long Quân took the other group toward the sea, and the thần biển (king of the ocean) post was subsequently incepted. The era of Hùng Vương (Reign of the Courageous) began and changed the course of ancient Vietnam's history fundamentally.^[1] Five thousand years later, nearly a million Vietnamese boat people headed out to sea and eventually migrated to many parts of the world, and consequently the course of modern Vietnam's history has been transformed forever.

The Vietnamese boat people are asylum-seekers who (i) fled the communist ruthless campaign to eliminate fundamental liberties, non-Marxist beliefs and ways of life, and (ii) risked their lives to escape to freedom on boats, vessels, rafts or floats after the fall of Saigon on April 30, 1975. Out of almost two million people who tried to flee the communist systemic persecution after the collapse of South Vietnam, nearly 800,000 lucky Asylees either reached safety in neighboring states on their own or were rescued at sea by foreign vessels. Of the unfortunate fates, many were apprehended and indicted by Hanoi's security patrols, others were shot to death while trying to elude

arrest and lengthy incarceration, and a huge number of unknown victims were robbed, raped, kidnapped, murdered and died without a trace in the Gulf of Thailand or the South China Sea.

Refugees are not strangers in Vietnam, a country for years ravaged by ideological conflicts' brutalities. Prior to the fall of Saigon to the communists on April 30, 1975, there were approximately ten million war refugees, but no one ever chose to abandon Vietnam to seek protection elsewhere.

The Vietnamese heritage strongly discourages one from leaving his or her 'quê cha đất tổ' (fatherland and ancestors' soil), where embedded his or her ancestors' shrine which has to be gracefully maintained and continually worshipped. In fact, it is considered unfortunate for anyone forced by economic or political reasons to leave his or her homeland to establish a new life elsewhere.

Con người có Tổ, có Tông
Cái cây có cội, con sông có nguồn.
Nhà quê có họ, có hàng,
Có làng, có xóm, nhỡ nhàng có nhau.
A person has his ancestors and family
Like a tree has its root or a river has its origin.
In the homeland [or birthplace],
there are family members and relatives,
villagers and neighbors to depend on at adverse times.[2]

Back in colonial time, it was perceived unconscionable and bad luck for many northerners, who had to go south or to Cambodia to earn their living. Vietnamese literature includes various tales and verses to lament this deplorable situation. 'Nam Vang lên dễ khó về; Trai theo bạn biển, gái về tào kê.' (It is easy to come to Cambodia but impossible to leave; Forever men become seamen and girls be enslaved by Sino-capitalist pigs).

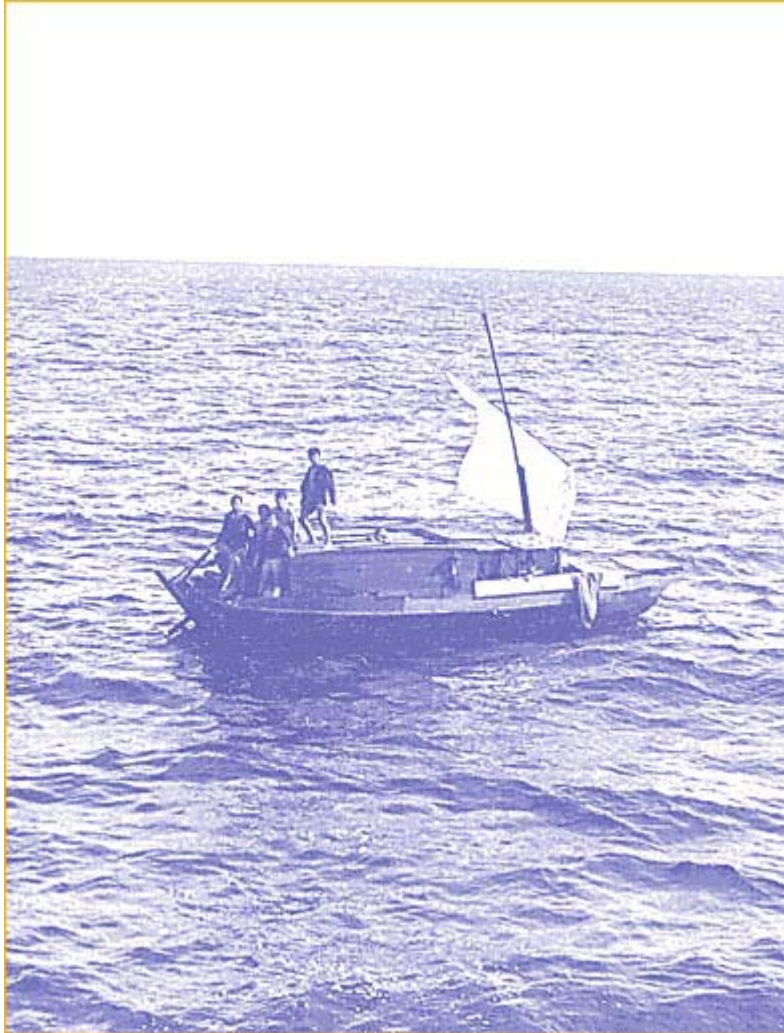
The pre-1975 war refugees' movement was intra-national, and not inter-national, because there was always a free port somewhere in non-communist South Vietnam for the Asylees to anchor briefly prior to returning to their home. The collapse of South Vietnam in April 1975 brought about fundamental changes in all aspects of society, including the asylum-seekers' movement that no longer had any free port within Indochina to seek temporary shelters.[3]

With an iron fist, Hanoi undertook extreme measures to destroy and eradicate all traces of liberalism in South Vietnam after its army seized Saigon. All non-communist segments of society were perceived to be potential enemies of the state; and consequently millions of people including the intellectuals, business entrepreneurs, ethnic minorities, and especially former South Vietnamese infantrymen and their families became permanent prisoners in their own country. Hundreds of thousands of suspected enemies of the state were incarcerated in so-called re-education camps indefinitely without trial. Private properties were confiscated with neither justification nor compensation. Systemic ethnic and political discrimination was the official policy that aimed at eliminating all undesirable elements from the newly established communist system.[4] *For those who had to choose between liberty and bondage, there was only one way to escape Hanoi's tyrannical control: **fleeing the home country in search of freedom elsewhere, even at the risk of death.***

To be forced out of one's hometown is an unfortunate situation, but to be forced out of one's home country is an inconceivable tragedy. There were several complex political

and socioeconomic factors underlying the Vietnamese exodus of biblical proportions; however, **the principal cause of the boat people's mass departure was Hanoi's relentless eradication of fundamental liberties, non-communist beliefs and ways of life.** The boat people's determined escape despite the inherent risk of death at sea represents not only their rejection of the socialist oppressive policies but also the ultra-extreme attitudes and hatreds with which the Hanoi regime treats the Vietnamese populace.

Hanoi's Expulsion Policy



After April 30, 1975, even in light of the harsh communist measures to destroy all traces of liberalism in Vietnam, Hanoi's supporters still insist falsely that while the Vietnamese people do not possess the freedom which foreigners have, nevertheless they are enjoying peace in a unified country. To the contrary, Socialist Vietnam is a state of terror where Hanoi's visible achievements are its systemic destruction of economic resources and institutionalised extermination of non-Marxist beliefs and ways of life. Socialist Vietnam has no peace because the people are constantly terrified by the past, distressed by the uncertain future, and afraid of everyone around. In actuality, the Vietnamese are victimised in their own country by the communist regime. Their only rights are the rights to be poor, submissive and to perish for Hanoi's ideological

ambitions. Other forms of freedom such as the freedom of speech, worship, peaceful assembly, etc., are completely abolished. Political differences are intolerable, and individuals requesting universal liberty and democracy are forcibly sent to 're-education' prisons.

Australian diplomat Bruce Grant and a team of journalists investigated the boat people exodus extensively in late 1979 and found:[5] 'Among the Vietnamese, a strong political motivation to leave their homeland was often clear... Age of the boat refugees from the south ranged widely, but most were under thirty-five. There were many women and children. Some young men said they left to avoid conscription. Some people said they were victims of politically inspired harassment and persecution; others said they feared such treatment. Fear of what might happen was a potent factor, sometimes taking grotesque forms... A feeling of alienation from the new communist administration and identity with the old regime was common, often mixed with an economic motivation: a conviction that their livelihood was bleak for themselves and for their children. Fear of "re-education" or of being sent to a "new economic zone" were also pervasive.' The Office of the U.S. Coordinator for Refugee Affairs concluded in March 1979 that the 'overwhelming majority (of the boat people) arriving now are leaving not because of past direct ties with the United States, but because they wish to escape the ravages of continuing armed conflict as well as persecution and maltreatment stemming from the general restructuring of society..' [6] imposed by the new communist regime.

Naturally, in order to justify its ideological oppression, Hanoi had to dismiss the boat people as *reactionaries* unable to endure economic hardships. Instead of accepting responsibility for the Vietnamese people's welfare and protecting their rights, Hanoi chose to vilify the boat people in defense of its discriminatory measures. Its monthly English publication Vietnam Courier ran an article in 1979 to slander the boat people as follows:

'The great majority have left Vietnam for economic reasons, unable to bear the privations and having failed to find occupations to their liking...

Some are former war criminals, or are members of counter-revolutionary networks who feel they are about to be discovered.

In the case of the intellectuals, there are various factors which combine in varying degrees. All having experienced a serious drop in their standard of living... The difficulty (they) feel to adapt (themselves) to the constraints of a revolutionary society.'

Hanoi went farther to assert that a segment of the exodus was provoked by 'imperial and reactionary forces' in Beijing and Washington. [7] At one time, Hanoi accused Beijing of dumping 100,000 Chinese citizens, who then claimed to be refugees, in Vietnamese waters. According to Hanoi's Foreign Minister Nguyễn CÖ Thách, 'Many of the boat people in ASEAN countries were actually from China. More than 100,000. They (Beijing) are very clever. We have arrested some of ships from China going to Southeast Asia... many people do not realize this because the Chinese from China are the same as from Vietnam.' In a letter to 'Western friends,' Hanoi's intellectuals tried to defame the boat people for fleeing the socialist regime; the letter inadvertently admitted that 'occasional excesses, errors, fumbings' were committed by the communists but claimed those were 'necessary rectifications.'

Despite these public statements, Hanoi's officials however opinionated differently in private. A senior diplomat disclosed in December 1978 that the people in South Vietnam had become accustomed to certain political freedom and economic autonomy; and after 1975, the communists could not change the southerners' pattern of thinking and thus

preferred that they would leave the country as boat people in order for the new regime to maintain political stability in the South.[8]

In fact, the post-1975 undeclared policy of the Communist Party of Vietnam (CPV) was to expel at least two to three million politically-undesirable citizens in order for the regime to achieve its ideological objectives. In June 1979, Hanoi's Foreign Minister Nguyễn Cơ Thạch expressed that most refugees 'are from the south, from Ho Chi Minh City in particular. In 1975, we forbade them to go out. We were criticized by the west. We thought it over. We decided to give them the freedom to go. Now (the west) say we are exporting refugees...' [9]

At the first international conference on Indochinese refugees in July 1979, Hanoi's Deputy Foreign Minister Phan Hiến suggested to the Swedish delegation that some 3 million refugees might have to leave the Vietnamese socialist system. In August 1979, Foreign Minister Nguyễn Cơ Thạch conveyed to a UPI reporter that the same number would escape 'depending on the political situation.' [10] In the same month, during a discussion with Daniel K. Akaka, a member of the U.S. House of Representatives delegation headed by Benjamin Rosenthal visiting Hanoi for two days, Nguyễn Cơ Thạch revealed that some 2 million refugees might try to flee Hanoi's rigid control.

In light of the fact that at least 1.6 to 2 million people are estimated to have tried to escape communist persecution, approximately 800,000 escapees arrived safely at various ports outside of Socialist Vietnam, between 80,000 and 200,000 lives lost at sea, and more than 1 million O.D.P. [11] departures and family members subsequently sponsored by the overseas refugees, Hanoi's policy of expelling between 2 million to 3 million Vietnamese of diverse backgrounds appears to have been realized.

The CPV's expulsion policy was compared to Hitler's systematic murder of the Jews by Filipino Foreign Minister Carlos Romulo, who characterized it as 'another form of inhumanity, equal in scope and similarly heinous' to the holocaust. His Singapore's counterpart Sinnathamby Rajaratnam publicly depicted Hanoi's scheme as 'a poor man's alternative to the gas chambers is the open sea.'

If the boat people's daring escape was for 'economic reasons' as alleged publicly by Hanoi, one could safely infer that the resettled refugees would quickly become too busy with their economic life and soon ignore Socialist Vietnam's on-going political developments. The reality, however, reflects a contradictory fact: the boat people (i) constantly voice their concerns to the world about Hanoi's serious human rights violations, and (ii) faithfully uphold the symbol of their aspiration for freedom: their golden flag of liberty, which is saluted at the official opening of all their gatherings around the globe. [12]

Outside of Socialist Vietnam, there is no easy place for the CPV's delegations to conduct official businesses because the boat people have perpetually organized countless demonstrations to denounce Hanoi's oppressive policies. For instance, when sixty-five nations including Socialist Vietnam converged in Geneva on July 20, 1979 under the United Nations' umbrella to find a solution to the boat people tragedy, the resettled refugees were able to hold an influential demonstration at this conference causing major public embarrassments for Hanoi's delegation led by its Deputy Foreign Minister Phan Hiến. A banner held by two Vietnamese refugees declared 'TOUT LE PEUPLE VIETNAMIEN CONTRE LA CLIQUE DE HANOI' (All the Vietnamese people oppose the Hanoi clique). The CPV was so offended by the message that its delegation demanded the banner be removed before it would attend the conference. A similar objection by Hanoi was made to the Canadian government when the Vietnamese community erected

the 'Refugee Mother and Child' statue on August 22, 1996 'in memory of those who have lost their lives in their quest for freedom.' Ottawa flatly repudiated Hanoi's position on the basis that Canada is a democracy and thus all citizens' freedom of expression is guaranteed.

On the globe wherever the boat people's golden flag of liberty is raised,[\[13\]](#) pro-Hanoi activities would be checked or eliminated. In one clear instance, the Asylees successfully called world attention to the CPV's evil determination to execute distinguished Buddhist Monks Tuệ Sĩ and Trí Siêu for rejecting Marxism. The communist regime eventually had to give in to the international outcry and reduced the Buddhist leaders' death sentence to life incarceration, and then released them in 1998.

In another case, in mid-January 1999, a business owner and religious fanatic named Trần Văn Trường reportedly was offered U.S.\$500,000 by a seditious source[\[14\]](#) to hang a communist red flag and Hồ Chí Minh's poster in his video rental store, HiTek, in Orange Country, California. When the Vietnamese community protested, Trường, who once declared himself God, distributed a letter via fax to publicly challenge the pro-liberty advocates' ability to pressure him to remove the insulting symbols. Trường's pro-Hanoi manifestation attracted even more demonstrators, who matched daily to oppose his offensive display. During the standoff, daily protests at times attracted up to fifty thousand refugees, many of whom were students and young people. It was extraordinary to witness 1 in every 4 Vietnamese refugees in Orange County took time off from work and family obligations to attend the mass demonstration to oppose Trường's pro-communist stand; those Asylees, who could not attend the nonstop protest, called in to various radio networks to express their disgust at Trường's notorious behavior. Ultimately even Trường's family reportedly disowned him for his pro-Hanoi manifestation and decisively made a substantial contribution to the fund used to support the pro-liberty demonstration.

On January 26, 1999, Hanoi's Department of Foreign Affairs publicly criticized the refugees' opposition to Trường's pro-communist conduct. Hanoi suddenly became concerned for fundamental human rights in its characterization of the boat people's demonstration as 'a blatant violation of human rights' (Two days earlier, in a press release aimed at attracting media attention, Hanoi's embassy in Washington demanded that Trường's pro-communist manifestation be protected by U.S. laws; the embassy's press release deliberately ignored the fact that its communist regime presently possesses one of the worse records for human rights violations, and Hanoi severely persecutes any dissident, who dares to raise the golden flag of liberty and exercises his or her freedom of speech to convey pro-democracy messages in Socialist Vietnam. In fact, in 1992, a young Vietnamese man named Phạm Văn Quang raised the golden flag in the heart of Saigon to draw international attention to Hanoi's oppressive policies; he was arrested immediately, beaten severely by security cadres and then sentenced by the regime to 15 years in prison for exercising of his freedom of expression.

In combination with endless demonstrations for liberty and democracy, the boat people are also extremely active in delivering accurate news about the fall of Eastern European communism to the inland Vietnamese. The CPV has been banking on ignorance and idealism to exert control over the people, and the force of knowledge and realism will eventually bring about fundamental changes. Acting on this rationale, the boat people initiate and sustain the continuous flow of information to Socialist Vietnam via mail and fax; tens of thousands of factual messages about the movement for liberty and democracy are sent annually to various individuals and government agencies. The

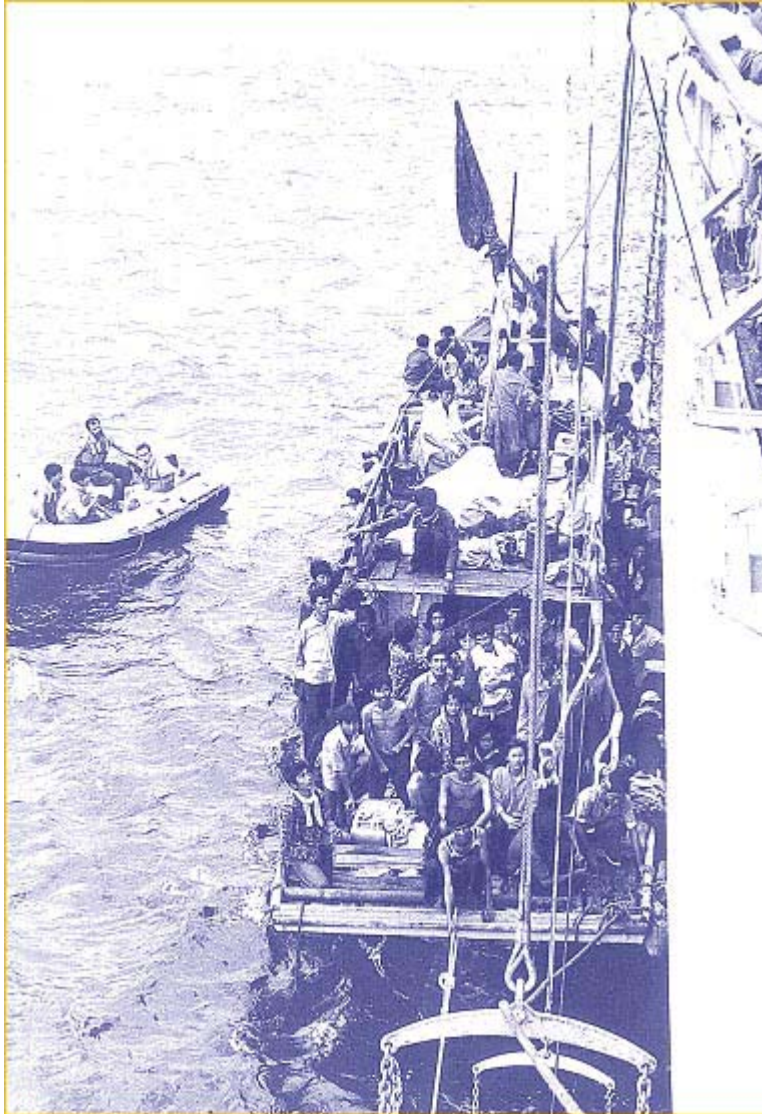
Internet is also used extensively by the boat people to publish their cause and advocate for the inland people's fundamental rights. The boat people's active denunciation of Hanoi's human rights violations and their spectacular successes in final-asylum democracies crystallize unequivocally their aspiration for liberty, which was the underlying cause of their flight.

The Vietnamese boat people (i) constantly voice their concerns to the world about Hanoi's serious human rights violations, and (ii) faithfully uphold the symbol of their aspiration for freedom, the golden flag of liberty, as seen in the photograph below.



Vietnamese refugees in Southern California, USA, staged mass demonstrations daily against storeowner Trần Văn Trường for his notorious pro-communist conduct in February 1999. *(Photo: L. Duong)*

Root Cause of the Exodus



The boat people headed out to the dangerous sea to escape ideological brutalities resulted from the CPV's socioeconomic repression and political oppression. The principal cause of the boat people exodus of biblical proportions was Hanoi's relentless endeavor to eliminate fundamental liberties, non-communist ways of life and beliefs.^[16] The boat people's mass departure due to ideological persecution and insecurity inflicted upon them by Hanoi represents not only their rejection of the socialist oppressive policies but also the ultra-extreme attitudes and hatreds with which the Communist Party treats the Vietnamese people.

Many boat people occasionally reply 'Đời sống khổ quá' (Life was extremely difficult) when asked why they left Socialist Vietnam. The inquirer might erroneously take this response as to reflect an economic overtone but, in reality, it encompasses many

complex underlying factors ranging from religious repression to social isolation and harassment to economic oppression to political persecution resulted from Hanoi's ideological policies. 'Life was extremely difficult' because the Communist Party of Vietnam actively discriminates against and seeks means to contain and neutralize all non-socialist segments of society that it considers undesirable or in possession of liberal beliefs on the basis of '**religion** (*Buddhists, Catholics, Cao-Daists, etc.*), **race** (*Chinese Vietnamese, Hmong, etc.*) **nationality, political opinion** (*dissidents, pro-democracy activists, family members of South Vietnamese soldiers and officials*), or **membership of a particular social group** (*intellectuals, business entrepreneurs, etc.*). [17] In fact, Hanoi's Foreign Minister Nguyễn Cơ Thạch had to admit the **political nature of the boat people exodus** in an interview with a UPI reporter in August 1979; he disclosed that as many as 3 million people might have to flee Socialist Vietnam as boat people 'depending on the political situation.' [18]

The cause of the boat people exodus is reflected in no field clearer than in the intellectual life of Vietnamese expatriates. Before the boat people's mass departure, oversea Vietnamese literature tended to focus on nostalgia and guilt in exile. The past was ultra-important while life in exile was associated with guilty feelings for those who stayed behind in Socialist Vietnam.

With the boat people's arrival in final-asylum countries, the entire foundation of the overseas Vietnamese literature changed swiftly and unequivocally. The present actualities and future outlook began to offer a central direction for most literary works. The real facts of communist destructive policies were described in details with vivid real-life experiences. The refugee literature commenced to present an optimistic view about a future of equality and prosperity in a free and just society along with a deep appreciation for the opportunities offered by final-asylum societies. The previous literature of sorrows was replaced by the boat people's literature of protest with a clear mission to expose the brutal realities in Socialist Vietnam and to thank resettlement countries that offered a safe haven for Vietnamese refugees.

The boat people have risked their lives to flee ideological persecution and, in spite of their tragic experience at sea and its lasting adverse effects, they still possess the determination to voice their concerns about Hanoi's serious human rights violations. In fact, it was the Vietnamese refugees' persistence in condemning the CPV's oppressive policies that helped to change the mind of many former anti-war activists. For instance, in May 1979, Joan Baez and 83 other peace activists published an 'Open letter to the Socialist Republic of Vietnam' to criticize Hanoi's 'painful nightmare': 'Thousands of innocent Vietnamese, many whose only crimes are those of conscience, are being arrested, detained and tortured in prisons and re-education camps... Your government has created a painful nightmare that overshadows significant progress achieved in many areas of Vietnam society.'

The history of mankind will undoubtedly record many more incredible imprints of the Vietnamese boat people, who risked their lives to escape communist persecution and search for liberty and democracy. Many ill-fated victims were robbed, raped, kidnapped, murdered and died without any trace; others were fortunate to reach safety in countries of final asylum. The tragedy of the Vietnamese exodus could only end where liberty and democracy triumph.

[1] Phạm Văn Sơn, *Việt-Sử Tân Biên: Thượng cổ và Trung cổ* (Vietnamese History: Ancient Time and the Middle Ages), Vol.1, Saigon 1954, at pp.85-88.

[2] Literally translated.

[3] Cambodia and Laos are also under communist control.

[4] See the summary of Hanoi's oppressive policies in *Documents* at p. 405.

[5] Bruce Grant, *The Boat People: An Age Investigation*, Penguin Books, Middlesex, England 1979, at p.99.

[6] 'World Refugee Assessment 1979,' Office of the U.S. Coordinator for Refugee Affairs, 14/3/79.

[7] It is interesting to note that the former USSR quickly adopted Hanoi's defamatory characterization of Vietnamese refugees, and Radio Moscow repeatedly described the boat people as 'subversive degenerates and criminals.'

[8] Document No. 2-22 entitled 'Vietnam's Refugee Machine,' Department of State, Washington, D.C. (July 20, 1979). The CPV also planned in 1975 to move 10 million North Vietnamese into the South's 25-million population in an attempt to dilute the southerners' political aspiration. Within the year of 1976, 1.4 million South Vietnamese living in major cities were relocated to either the NEZs or farming villages in the countryside.

[9] *Asiaweek*, June 15, 1979.

[10] UPI report. Quoted in Barry Wain's 'The Refused: The Agony of the Indochina Refugees,' Simon and Schuster, New York, 1981, at p.231.

[11] Orderly Departure Program.

[12] A poll by the Institute for Asian Studies in 1988 shows the 'Motives for Migration from Homeland' of Vietnamese refugees to include 55% due to 'Political situation,' 2% 'Afraid of being killed,' 6% 'Famine,' 20% 'Resettlement in West,' and 17% 'Other.' Cited in Jeremy Hein, *From Vietnam, Laos, and Cambodia: A Refugee Experience in the United States*, Twayne Publishers, New York 1995, at p.37.

[13] In November 1998, twenty-three years after the fall of Saigon, the overseas Vietnamese communities around the world held mass commemorations to celebrate the 50th year anniversary of the birth of their golden flag of liberty.

[14] Disclosed by Mr. Hoàng Ngọc Sơn, a business partner of Trường, in his 22-page press release to various newspapers.

[15] 'The extremists' reaction toward Trần Văn Trường is a blatant violation of human rights.. The overseas Vietnamese violations of human rights do not benefit the relations between the United States and Vietnam. This conduct must be prosecuted and denounced by both countries and the international community.' *People's Daily*, January 27, 1999. (Phản ứng hung bạo của những kẻ cực đoan đối với Trần Văn Trường là một sự vi phạm nhân quyền thô bạo.. Các phản ứng vi phạm nhân quyền của người Việt hải ngoại tuyệt đối không mang lại lợi ích gì cho tiến trình phát triển quan hệ giữa Hoa Kỳ và Việt Nam. Hành vi này cần phải được tố cáo và bác bỏ bởi hai nước và cộng đồng thế giới. Báo Nhân Dân, Ngày?Phản ứng

[16] It should be noted that Hanoi's oppressive policy was also responsible in part for the exodus of refugees from Cambodia and Laos. Massive numbers of Cambodian and Laotian Asylees headed for Thailand in search of peace and liberty following Hanoi's aggression in the late 1970s.

[17] The 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees prescribe a universal definition of 'a **refugee**' as any person '... owing to a well-founded fear of being persecuted for reasons of **race, religion, nationality, membership of a particular social group or political opinion**, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail

himself to the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it...'

[18] UPI report, Supra.

II

The Tragic Journey

*'Có lẽ trời muốn trao cho gánh nặng,
Bắt trải qua bách-chiết thiên-ma.'*

'God perhaps wants to train us for an important responsibility,
thus makes us endure tragic challenges.'

Famous Vietnamese Statesman Nguyễn Trãi (A.D. 1418)



The reality of the Vietnamese boat people's journey is full of tragic experiences, endless natural calamities and brutal man-made obstacles. (Photo: B. McDougall)

The image of a small boat full of escapees, who risk death to search for liberty, floating somewhere in the boundless blue ocean appears both incredibly courageous and, at times, mysteriously romantic. The reality of the Vietnamese boat people's journey, however, is full of tragic experiences, endless natural calamities and brutal man-made obstacles. Without knowing their destiny and the prospects of return, the boat people were determined to escape Socialist Vietnam's oppressive control despite the deadly dangers on high seas. For them who had to choose between liberty and bondage, there was only one way to escape the communist ideological persecution: fleeing Socialist Vietnam to freedom, even at the risk of death.

The freedom of movement of Vietnamese citizens was abolished by Hanoi's immigration and criminal laws, and therefore they had to undertake enormous risks to find their own means to flee the CPV's systemic persecution. On April 30, 1975 as the South Vietnamese government was collapsing, approximately 130,000 refugees managed to escape the communist advance successfully with limited American assistance. Of these first Asylees, except for 25,000 who were flown directly to U.S. territories or safe shelters in neighboring states, many were either ferried or airlifted to awaiting rescue ships before May 1, 1975; and notably 32,000 refugees boarded boats, rafts, floats, and even South Vietnamese Navy ships to flee the approaching northern forces.^[1] In the subsequent days, 3,000 Vietnamese went to Singapore by boats, 700 arrived in Pusan on two South Korean Navy ships and 3,743 others were evacuated at sea and carried to Hong Kong by the Clara Maersk, a Danish containership. Another group of 823 refugees were rescued by two Taiwanese vessels, while 30,000 Asylees showed up at Subic Bay in the Philippines on 26 South Vietnamese Navy ships.^[2] The outflow of Vietnamese refugees increased steadily thereafter as the communists heightened their search for retribution and revenge while forcibly establishing an ideological regime in the South. According statistics kept by the United Nations High Commission for Refugees (UNHCR), 378 boat persons reached safety between May and December 1975. That number increased to 5,569 in the following year and then to 17,126 in 1977. The number continued to climb to 87,164 in 1978 and reached its peak at 201,189 in 1979. The 12-month period between mid-1978 and July 1979 also witnessed Hanoi's well-planned but poorly-executed scheme to export ethnic Chinese and prosperous Vietnamese to neighboring states. Hanoi's 'freedom for sale' scheme was 'officially' suspended in July 1979 (just before the first international conference on Indochinese refugees in Geneva) when the outside world voiced strong objections. Thereafter, the boat people's escapes did not cease but continued at a steady pace despite the high risks of death at sea and of rape and pillage by barbarous pirates. By the end of the millenium, between 1.6 and 2 million people had tried to flee Socialist Vietnam, and approximately three-quarters of a million boat people or 1% of the Vietnamese population were resettled in countries of final asylum.^[3] Let us never forget the conservative estimate that at least 10% to 20% or about 80,000-200,000 of the escaping refugees vanished at sea without a trace.^[4]

The Initial Challenges

Long before even setting foot on a boat and sailing off to either freedom or death, Vietnamese asylum-seekers had to establish discreet contacts to organize their flight. Any journey's organizer had to secretly buy a fishing boat, repaired it, acquired new engines and fishing permits as well as navigational tools such as marine compasses on the black market. Recruiting the professional service of a former South Vietnamese Navy captain for the journey proved challenging because many of them were being detained in re-education prisons, and only a few were able to elude Hanoi's apprehension. But even if all these criteria were met, the organizer still had to secure safe boarding bases for the escapees. The farther from the coast the Asylees were, the more difficult for them to arrange their departing grounds; to circumvent this problem, they either paid large bribes to coastguard cadres or carefully planned to have small numbers of people picked up at different locations before heading to sea. In the case of Boat no. 27 entering Songkhla Refugee Camp on February 12, 1980, Mr. Nguyễn Tấn Phúc, a former Navy frogman, and his organizing team of two arranged to secretly meet 24 escapees including his family at Phong Mỹ village, Cao Lãnh, on January 25 and then traveled for three days on small canals to Rạch Sỏi port from where Mr. Nguyễn used faked documents to pass the coastguard station and sailed to sea. After many brutal attacks by Thai pirates who destroyed the boat's engines and raped its female passengers, the 27 desperate Asylees were rescued by an international ship while their craft was floating aimlessly somewhere in the Gulf of Thailand.

In light of the difficulties associated with organizing escapes, it is easy to see why many Asylees were arrested and imprisoned when their escape plan was exposed by Hanoi's security cadres. Others lost all their life savings to unscrupulous thugs and communist officials, who quickly took the gold and hard currencies paid by the asylum-seekers for safe boarding bases and then arrested them for 'reactionary activities.' In May 1987, the joint French-German Ile de Lumière II - Cap Anamur III dispatched by Komitee Cap Anamur and Médecins du Monde intercepted an attack by a Vietnamese patrol vessel, which was shooting at a fleeing refugee boat. One Asylee was killed by the firing; the remaining 170 people were rescued by the Ile de Lumière II - Cap Anamur III and subsequently taken to Palawan Refugee Camp in the Philippines.

In another case, Mr. Phan Văn Thiệu's boat leaving Cà Mau port in darkness on April 17, 1979 and was fired upon three times by Hanoi's security cadres; fortunately, no one was injured. The refugees managed to reach Kora Bahru in Malaysia on April 22, 1979 after surviving several attacks by Thai pirates. In one tragic incident in 1983, almost all escapees on a boat were murdered by the security force of Ward 14 in Ho Chi Minh City's District 5. On May 7, the unfortunate victims boarded a small craft near the well-known Y bridge after paying protection grafts to the Ward 13 security office. Unknown to them, the bribes were not shared, and thus their boat was fired at indiscriminately by the Ward 14 cadres as soon as it left Ward 13 territory. After the fatal shooting, more than 100 people including many women and young children died. This mass murder was not an isolated incident. There were many reports of systematic killings of Vietnamese escapees by Hanoi's cadres in Cát Lái, Cà Mau, Cần Thơ, Bà Rịa, Bến Tre, Long Xuyên, etc. In Cát Lái alone, on July 22, 1978, nearly 400 lives on the Thành Xương were

exterminated by the communist security force; one survivor, Mr. Vương Vũ Văn currently living in New Jersey, estimated that Hanoi got almost U.S. \$1 million from the Thành Xương passengers before massacring them. In another case in June 1979, Hanoi's forces stationing on one of the Spratly Islands shot and killed 23 refugees on board a boat from Nha Trang; 62 others drowned while trying to swim to safety, and only eight people survived to report this brutal attack.

Those escapees, who were unable or unwilling to pay for safe routes and subsequently apprehended, would face lengthy prison terms at the pleasure of the local cadres because Hanoi, which aimed at expelling or confining all people with liberal attitudes and beliefs, did not have a uniform policy toward the captured Asylees. Jail sentences for failed escapees ranged from several months to life imprisonment depending on the amount of bribery that their families could come up.

Radio Hanoi occasionally announced the names of the apprehended Asylees. On October 28, 1981, it reported that Nguyễn Toại Chí was sentenced to life imprisonment while his assistants received jail terms ranging from 18 months to 25 years for trying to flee Socialist Vietnam. Earlier on September 9, 1981, the court of Long An province sent Võ Văn Lung, Võ Văn Mậu and Châu Tá Nhàn to the penitentiary for up to 25 years after their planned escape was uncovered by security cadres, who apparently did not receive a fair share of the bribe.

The most severe penalty for the detainees was capital punishment. At times, Hanoi would hand down death sentences to captive Asylees in a desperate attempt to conceal its expulsion policy. A clear example is the execution of Mr. Trần Minh Châu on August 6, 1979 after the communist delegation to the first international conference on Indochinese refugees in July 1979 promised to discontinue the CPV's 'freedom for sale' project. The less serious sentence for the incarcerated escapees often involved the immediate confiscation of their residence and properties. As soon as the local public security office suspected that a family had left home to take part in an escape known in Vietnamese as vượt biên, even before the victims were apprehended, their house would be niêm-phong or placed under seizure and confiscated thereafter.

For those escapees who successfully got on board a boat and sailed to the open sea, there was still no guarantee that they would not be forced to return by Hanoi's patrol ships. In one reported incident, the Mary Kingstown rescued a boat in international waters in May 1988 just minutes before it was about to be apprehended by a Vietnamese security vessel. After 81 refugees boarded the Mary Kingstown, communist cadres on the C.A.ñ.K.V.T.C.ñ.[5] patrol craft immediately jumped over the abandoned boat to gain control and steer it back toward Vietnam. In many cases, the escapees were able to bribe the patrol cadres; but there were also instances where the cadres still arrested them after accepting the grafts. In other incidents, Soviet vessels operating in the South China Sea stopped and apprehended fleeing Vietnamese boats; the detainees would be taken back to Vietnam and subsequently turned over to Hanoi's security force. For those boat people, who successfully sailed away from Hanoi's final geographic limits of control, there were many other natural dangers on the high seas and man-made calamities caused by cruel pirates and indifferent neighbors, who treated them as a burden and nuisance. The number of victims, who vanished at sea without a trace, is unknown. As aforementioned, at least 10% to 20% of the escaping Asylees or about 80,000-200,000 refugees perished in their quest for freedom; some estimates by Vietnamese refugee sources even put the number as high as several hundred thousands to one million unknown souls. They died in vain with neither a trace nor an inquiry into

their fate; and worse, their deaths remained unmourned yet their ill-fates were disregarded completely by those, who reacted with indifference or hostility toward Vietnamese asylum-seekers. This chapter includes several excerpts from a young boy's chronicles written in Songkhla Refugee Camp in Thailand after his near-death escape from Socialist Vietnam to illuminate the boat people's tragic journey to freedom with hopes that the deceased victims' fate and the fortunate survivors' aspiration could be understood and appreciated.

[1] Many people died during the frantic evacuation in April 1975. There are eyewitness reports of accidental deaths and failed departures but no attempt has been made to compute the number of unknown deaths.

[2] Most statistical sources put the number of Vietnamese refugees leaving in the spring of 1975 at 130,000 (e.g., see Gil Loescher and John A. Scanlan's *Calculated Kindness: Refugees and America's Half-Open Door 1945-Present*), but documents from the UCI Libraries' Southeast Asian Archive estimate that, out of the 130,000 refugees who left Indochina on or before April 30, 1975, there were only 125,000 Vietnamese (e.g., see Anne Frank's *Documenting the Southeast Asian Refugee Experience*). We know, however, only one-half of those 130,000 refugees left with the U.S. government's assistance. The other 65,000 Asylees escaped on their own by employing whatever means they could find; and most of them used boats and commercial ships as well as military vessels.

[3] By the end of the 20th century, official UNHCR statistics report 796,310 boat people and 42,918 land people from Vietnam had arrived at various refugee camps since May 1975; excluded from the statistics are those who disappeared at sea or were evacuated and resettled directly without passing through refugee camps.

[4] Some estimates put the loss ratio as high as 40%-70%. In June 1978, U.S. Assistant Secretary of State for East-Asian and Pacific Affairs Richard Holbroke stated that refugees 'set out in rickety boats with few supplies, and estimates are that only half make to another port.' Between April and July 1979, Australian Minister of Immigration Michael MacKellar cited intelligence sources and interviews with refugees in his conclusion: 'We are looking at a death rate of between 100,000 and 200,000 in the last four years.'

[5] Công An Đặc Khu Vũng Tàu Côn Đảo (Special Zone Vũng Tàu Côn Đảo Public Security Force).

Arriving Boat People

Source: UNHCR



First Asylum

Country	1975-76	1977	1978	1979
Hong Kong	516	2,736	7,906	68,748
Indonesia	244	679	2,582	47,651
Japan	373	833	712	1,155
Korea	0	161	98	150
Macau	0	25	945	3,363
Malaysia	1,160	5,820	63,125	53,998
Philippines	713	1,153	2,582	7,851
Singapore	131	318	1,848	5,561
Thailand	2,699	4,636	6,401	11,987
Others	111	765	965	725

First Asylum

Country	1980	1981	1982	1983
Hong Kong	6,788	8,470	7,836	3,651
Indonesia	6,721	9,021	7,535	5,600
Japan	1,270	1,026	1,037	799
Korea	20	168	65	20
Macau	2,270	448	59	0
Malaysia	18,265	23,113	14,857	10,935
Philippines	4,932	8,352	3,288	1,759

Singapore	9,285	5,367	2,745	1,575
Thailand	21,649	18,402	6,076	3,534
Others	172	71	7	46

First Asylum

Country	1984	1985	1986	1987
Hong Kong	2,230	1,112	2,059	3,395
Indonesia	7,331	6,139	2,596	1,758
Japan	503	435	330	144
Korea	45	186	131	21
Macau	0	0	8	3
Malaysia	9,035	7,398	7,402	8,030
Philippines	1,870	2,602	2,046	2,677
Singapore	896	891	739	858
Thailand	2,807	3,310	3,886	11,195
Others	44	42	254	25

First Asylum

Country	1988	1989	1990	1991
Hong Kong	18,449	34,503	6,595	20,206
Indonesia	1,876	6,701	13,835	1,397
Japan	219	706	336	366
Korea	90	193	0	0
Macau	6	0	0	0
Malaysia	13,312	16,718	1,326	0
Philippines	3,826	6,678	1,108	252
Singapore	698	1,392	147	6
Thailand	7,086	4,373	9,054	202
Others	0	0	0	0

First Asylum

Country	1992	1993	1994	1995-99
Hong Kong	9	101	359	164
Indonesia	18	23	1	0
Japan	17	638	109	63
Korea	0	0	0	0
Macau	0	0	1	0
Malaysia	1	0	0	0
Philippines	0	1	32	0
Singapore	0	0	0	0
Thailand	10	14	0	0
Others	0	0	0	0

Note: The statistics exclude those boat people who perished in search of liberty (e.g. On November 14, 1979, the *People's Journal in the Philippines* reported that local hunters found skeletons and personal items of 60 dead bodies and a wooden boat believed to be a Vietnamese refugee craft in an isolated forest 75 miles south of Manila) or were

rescued by commercial ships and subsequently offered direct resettlement without having passed through refugee camps, and a small number of asylum-seekers who escaped since 1996 (e.g. On June 21, 1999, eleven young Vietnamese reached the Philippines after a two-week voyage on a 17-meter-long boat).

Ocean of Sorrows

How long have we been drifting at sea
for strong waves rocked the little boat violently.

It had been days without a bite
the exhausted bodies were awaiting death.

Calamities at night seemed endless
laments cutting through water to whose ears.
Begging God to reach the other shore quickly
for even at death one still has a dried grave.

Thus seeing the island, happiness is mixed in tears
the freedom longed for is finally here.

Mai Thơm

A senior boat person residing in Massachusetts, USA

Bể Khổ

*Trôi nổi bao lâu trên mặt biển
bão táp dập dềnh chiếc ghe non
Bao ngày đói lá không một miếng
rả rời thân xác đợi tử thần
Kinh hoàng trong đêm tối vô tận
ta thán xé nước mong thấu ai
Khẩn cầu cho mau đến bến bờ
dẫu chết cũng còn nắm mỡ khô
Thoáng nhìn thấy đảo mừng ngấn lệ
đã đến tự do mãi mong chờ*

Mai Thơm

Untrustworthy Boats, Amateur Navigators and the Deadly Oceanic Dangers



To reach the nearest haven outside of Socialist Vietnam, the boat people had to cross the Gulf of Thailand or the huge South China Sea, which are definitely not peaceful for boating novices. The region's oceanic weather is harsh and full of deadly typhoons blowing over 100 miles per hour and destroying anything on their paths. Typhoons are occasional incidents in the area during the summer months, but the region is also wrecked regularly by the Gulf of Thailand's southwest monsoon that bombards the sea route from Vietnam to Thailand and Malaysia with its endless, hazardous rains and powerful winds for almost 6 months from April to September. As the southwest monsoon calms down, the northeast torrent with perilous downpours and mighty gusts begins to sweep the South China Sea and attacks the seaway from Vietnam to Hong Kong and Japan.

Nature's obstacles, however, do not end with the rough weather. A web of coral isles, reefs and atolls form underwater hazardous barriers that run for miles west and south-west of Palawan Island in the Philippines. Many refugee boats ran aground on these reefs and islets, and the Asylees often tried to survive on a diet of oysters, sea gulls and shellfishes while waiting for rescue; but when help failed to come by, the refugees eventually perished. In September 1978, a boat of 50 Vietnamese including Ms. Trần H. Huệ was stranded on a coral isle for 5 months. Except for Ms. Trần H. Huệ who was saved, all others died of thirst and hunger.

In most cases, the asylum-seekers headed out to the sea on fragile boats to face gigantic oceanic dangers unprepared with neither proper navigational equipment nor appropriate piloting abilities. Their navigational tools in many instances were a map ripped out from an old geography textbook and a compass manufactured for use on land only. The map would evidently be imprecise, and the land-use compass lost its accuracy when operated in the ocean. No boat was ever equipped with life jackets or buoys on board in preparation for emergencies; and thus when the craft sunk, everyone died if not rescued on time.

In addition to unsuitable nautical equipment, the boats used by Vietnamese refugees were mostly unseaworthy and had to be destroyed after they reached shore. Many crafts were built for traveling on rivers and canals only but were piloted to the angry sea on the deep ignorance of oceanic dangers. A lot of vessels were no more than 10 feet in width and 30 feet in length but carried an incredible large number of refugees. In some instances, even small canoes were used by the asylum-seekers to flee Socialist Vietnam. In most cases, there was not enough room for all people on the boats. Thus, the men often had to stay out either on the cabin's roof or wherever they could find resting space. Women and young children had to sit up with their legs folded in the lower compartment, where at times would be filled with seawater several inches high. Seasickness reflected by the throw-ups and medicated oil's scent as well as children's urine and cries due to thirst or hunger added to the depressing atmosphere on the boats a dreadful smell of death.

Ms. Leanne Lý, a chemical engineer and founding CEO of *Opticare World Inc.* in Canada, wrote the following narrative to summarize her journey to freedom when she was a student. Ms. Lý was just 8 years old at the time of her escape from Socialist Vietnam in 1979.

'1980 was the year that ended my journey to freedom when my family and I arrived in Canada. I cherish every moment of my freedom. The fact that my family and I tried to escape from Vietnam 17 times was our commitment to gain freedom. Leaving Vietnam was both the best and the worst thing that ever happened to my family.

We were hidden in a friend's house along the coast in South Vietnam. At exactly midnight, organizers led us to the dock where a small boat was waiting. The boat was carrying 315 people, but its allowable capacity could only transport 100 people. Everyone in the boat sat shoulder to shoulder, filling up every space we could find. You can imagine how heavy the boat was. Four trunks of thick bamboo had to help support the sides of the boat to keep it afloat. We were very lucky that the ocean was calm and clear for several days.

On the fourth day of our journey, we began to panic because food and water were becoming scarce and a storm had just begun. By this time we were lost at sea. The engine broke down and the water in the boat increased quite a bit due to the heavy rain and the splashes by big oceanic waves. The captain and some men made fire signals, and all we could do was just to hope and pray for a miracle. The storm intensified and the boat was just rocking harshly up and down, back and forth.

Finally the captain spotted a ship that we thought was coming toward us. Happy thoughts must have run through everyone's mind, knowing we would be rescued. But to our disappointment the ship was heading away from us. We had lost hope. All we had left was one tank of water.

A few hours later, another ship was heading our way. We didn't dare to raise our hopes until we were rescued, and you know what? We were! Tears were just rolling from everyone's eyes, these were tears of joy knowing that we had escaped from the communists. Freedom is finally ours!'

The boat people's vessels, once described as 'floating coffins,'^[1] wandered into the deadly dangers on high seas often with limited supplies. Fresh water was definitely never enough for all refugees, and accompanied food reserve was always inadequate. Rations could only be imposed so long as water and foods were still available. Once the supplies dried up, the boat people's only hope was to be rescued or to reach shore or a petroleum rig soon.^[2] In the case of Mr. Phan Văn Thiệu who landed on Kora Bahru in

Malaysia on April 22, 1979, his family and he were subsequently put on a boat and pulled out to international waters by a Malaysian Navy ship on May 11. The refugees were left floating in the open sea; and when fresh water ran out, they had to drink urine instead. Five days later, the children began to die, and more would pass away if they were not rescued by the Sibonga, whose Captain Healey Martin later wrote in his log:[\[3\]](#)

'Women and children on the twenty metres long by three metres wide boat were screaming for help; the smell on the boat, which was tier-decked for maximum capacity, was terrible. The weather had been fresh south-westerly for the previous four-eight hours. Prolonged sickness, lack of food and water and the horrible way the people were crowded together in their own dirt and urine had reduced them to a very weak physical condition. Merely to give them stores would have been to condemn a large number of people to death.'

As for many boat people, fuel shortage represented another major problem. Diesel for boat engines would eventually run out if the refugees failed to arrive at their destination of freedom on time. Wandering aimlessly in the huge ocean could only mean sure death in the face of hazardous downpours and perilous winds. A further problem concerned the aged boat engines, which often developed problems after several days of non-stopped operations. There were countless cases in which the refugee's vessels had to be navigated with homemade sails because the mechanical problems could not be repaired. The escape of Phan Công Trang, aged 18, illustrates the dire consequence of logistic disasters. Phan left Ba Xuyên, Vietnam, on April 12, 1983 with family relatives and neighbors on a 7-meter-long boat equipped with one motor. After 3 days at sea, the escapees ran out of fuel, food and fresh water. By day 13, their boat was smashed into pieces by gigantic waves. Everyone on board vanished except Phan, who managed to stay afloat for two days by holding on to a jerry can. Eventually, Phan was rescued by a Norwegian ship and taken to Manila, Philippines.

Phan Công Trang was fortunate not to commit cannibalistic acts to survive. In April 1982, the horrible escape of 11 refugees from Nha Trang ended up lost a sea for nearly two months. Out of fuel, fresh water and food, the boat wandered aimlessly, and hunger and thirst claimed six lives. The remaining members on board became cannibals in order to survive their ordeal until they received help from the Hong Kong coastguard in June 1982.

An earlier escape of Trần T. Bá was even more terrified. In a letter to his uncle and aunt, Trần T. Bá wrote that he left Bạch ỉng port on October 1, 1978 on a boat carrying 146 passengers. After four days at sea, the boat ran aground on a coral isle and could not steer out.[\[4\]](#) They ran out of supplies a week later. Trần's brother, Thành, died on November 3. Until the arrival of a Taiwanese fishing vessel on November 18, the isle was a dreadful scene of cannibals. In his letter, Trần T. Bá insisted that he was able to survive without taking part in these desperate acts.[\[5\]](#)

Apparently, harsh weather condition, hidden sea obstacles, limited stores and engine troubles were behind many unimaginable calamities faced by the boat people. These problems were understandable and particularly unavoidable; however, what incredible was the amateur skills of some self-proclaimed captains, many of whom had never piloted a boat at sea in their lives. The urgent need for experienced captains and the exit need of refugees sometimes met in awkward situations. The fear of communism outweighed the risk of personal death and forced some boating amateurs to portray themselves as accomplished pilots in order to take part in an escape. They would accept the captain's job knowing that their navigational skills were limited or, at times, non-

existent; this irresponsible, but comprehensible, action placed the lives of others on the same boat at extremely high risks. Fortunately, however, situations as aforementioned were isolated and few.

[1] The term 'floating coffins' was first mentioned by Singapore's Rajaratnam to describe Vietnamese refugee boats during the annual Ministerial Meeting of ASEAN foreign ministers in late June 1979.

[2] Offshore petroleum rigs in southern Thailand or off the north-east coast of peninsular Malaysia operated by oil companies such as Exxon had been havens for thousands of Vietnamese refugees, whose fragile boats might not even reach safety but for the existence of the nearby rigs.

[3] Quoted in Bruce Grant, *The Boat People: An Age Investigation*, Penguin Books, Middlesex, England 1979, at p. 68.

[4] Coral isles, especially those in Filipino waters, are deadly obstacles for many boats. In the case of Ms. Trần H. Huệ, who left Vietnam from Cần Thơ in September 1978 on a boat consisted of 50 refugees, she was the only survivor after the vessel ran aground on a coral isle near Palawan Island. The unfortunate refugees tried desperately to survive on a diet of oysters, sea gulls and shellfishes but, except for Ms. Trần H. Huệ, most eventually died. Ms. Trần H. Huệ was rescued after 5 months stranded on the coral isle.

[5] On November 14, 1979, the *People's Journal* in the Philippines reported that local hunters found skeletons and personal items of 60 dead bodies and a wooden boat believed to be a Vietnamese refugee craft in an isolated forest 75 miles south of Manila.

Barbarous Piracy



These Vietnamese women had hidden from the pirates in caves on Khra Island for fear of being raped. They had been forced to stand in knee deep sea water for days, during which sea crabs ate away much of the flesh of their feet and legs.

One of the most dreadful occurrences during the boat people's tragic journey is the cruel pillage on high seas. Piracy in the South China Sea and the Gulf of Thailand is not new; as far into history as the 16th century, there were reports by British explorers on the operations of the local pirates, who smuggled drugs, illegal products and occasionally raided trading vessels. Piracy in Southeast Asia, however, only began to attract enormous public attention when the boat people tragedy was published worldwide in the late 1970s.

Some accounts put the statistics of piracy against Vietnamese Asylees as high as 70%-80%, *i.e.* four out of five boats encountered sea plunderers. Records of robbery on the high seas were collected from 1980 onward; and of the reported cases, the statistics showed within three years from 1980 to 1983, there were 2,283 rape incidents, 592 abductions and 1,376 murders committed by the pirates.^[1] The statistics, however, did not include countless cases wherein all escapees on board were slaughtered, and thus no witness survived to report their tragedy.

Most of the pirates were Thai and Malaysian fishermen, who believed the boat people were rich escapees with lots of gold and hidden valuables. They attacked the helpless asylum-seekers with knives and hammers and, at times, guns. The robbery against any single boat often involved two or more bigger vessels to ensure success or, at least, to minimize damages in case of strong opposition.

Resistance against the pirates was sporadic because the majority of refugee crafts were not equipped with weapons, and most escapees saw their lives worth more than their personal belongings. Although it was not too difficult to obtain contraband firearms in Socialist Vietnam, most boat people preferred to escape without even a small pistol because, in case the endeavor failed, they would face more severe punishments if found in possession of weapons. Moreover, Vietnamese Asylees had long realized that the loss of life would be permanent while the loss of valuables was only temporary; thus, they rarely tried to repel the pirates' attacks. However, there are eyewitness cases of heroic opposition wherein the resisting boat persons were brutally murdered by the better-armed plunderers. There are also reported incidents wherein some bigger refugee boats did use their sheer force of men's muscle, emergency flares and, at times, grenades to successfully ward off the pirates.

In one celebrated case, nineteen brave boat persons, namely Dr. Dương Chi Lăng, Trần Xuân Vinh, Lê Quang Phương, Hứa Thiện Hùng, Âu Diêu, Khuất Há Chảy, Đoàn Văn Khuyên, Trịnh Duy Phước, Hồ Minh Tâm, Châu Chí Cường, Huỳnh Công Danh, Nguyễn Anh Lợi, Trần Khắc Đức, Huỳnh Quốc Tuấn, Quan Chí Cường, Huỳnh Trưng Thuận, Trần Chánh Thành, Lê Văn Uyên, Dương Hán Minh, fought back and took over the ship of Thai pirates, who robbed them, raped the women and drowned their boat. Ironically, when they reported the brutal pirates' attack to the Thai authorities, they were indicted by Bangkok on murder charges and then imprisoned. International outcry over the charges, particularly from the French media, Association d'Aides des Réfugiés d'Asie and Médecins Sans Frontières, pressured the Thai government into releasing the detained boat people in December 1981. One of the incarcerated Asylees, Mr. Lê Văn Uyên, would have died from an ulcer if he was not discharged on time and carried by ambulance to a nearby hospital for immediate medical attention.

The pirates' cruelty is unprecedented and their atrocious conducts against the boat people are unheard of in the 20th century. They would try every means to rob a boat person of his or her personal belongings. They searched everyone repeatedly and thoroughly in their hunt for valuables. The buccaneers would be prepared to cut off fingers if a ring were not loosened out.^[2] They would pull out gold-plated teeth in order to extract the precious metal. Any opposition from the boat people would result in immediate execution. There are confirmed reports that resisting Asylees had their necks slashed and thrown overboard. And worse, to eradicate all traces of evidence, the pirates at times used their huge vessels to repeatedly slam smaller refugee boats to drown all victims on board.

One UNHCR report described an incident in December 1985 wherein 50 boat people were murdered by Malaysian pirates:^[3] 'The 80 Vietnamese, mostly from Ho Chi Minh City region, fled their communist country Dec. 12 (1985) in the hope of reaching Malaysia. After sailing for four days, they were stopped by a fishing boat with an apparently friendly crew who offered to help them get to Malaysia. Two men, one woman and three children were invited to come on board the fishing boat which then took the Vietnamese craft in tow. Five hours later a second fishing boat arrived which about 20 pirates armed with knives and iron bars, boarded the Vietnamese boat and began searching the people for gold and valuables. All men above the age of 17 were thrown into the water, even the two who had been invited aboard the 'friendly' ship. Most of them drowned because they could not swim. The women were raped. After the pirates left, a man who had managed to keep floating by holding on to a jerycan joined the 28 women and children aboard and helped them to put up a sail again.'

The pirates operated mostly in an 18,000-squared-mile area surrounding Songkhla, a Thai southern province. Bangkok had only two old coastguard ships to patrol this entire area, and thus the region was virtually a no-man territory. In September 1981, the West German ship Cap Anamur intercepted and stopped a group of 5 Thai ships that were robbing a Vietnamese boat carrying 95 people. The boat was just about 100 miles from Cape Cà Mau when its engine broke down. The craft floated aimlessly for two days before it was seized by Thai pirates, who moved 33 children and 22 women over to one of their ships and towed the Vietnamese craft with 40 men on board to an undetermined destination. The buccaneers then searched the refugees and confiscated all gold pieces and valuables. Fortunately, before the pirates could do physical damages to the Asylees, the Cap Anamur came on scene and freed the boat people under attack. Various reports were filed with the local authorities concerning the robbery but nothing happened to the

Thai fishermen.



Thai pirates raiding a small Vietnamese refugee boat.

On the sixth anniversary of the fall of Saigon, the Against Piracy Action (APA) committee was incepted on April 30, 1981 in Geneva and composed of many well-known humanitarian organizations such as Terres des Hommes, Médecins Sans Frontières, Médecins du Monde, Écoles Sans Frontières, Protection de l'Enfant Réfugié, Sentinelles, Bateau Ile de Lumière, etc. Five months later, the APA commissioned a ship to intercept the pirates' operations and rescue Vietnamese boat people in Southeast Asia.

In political circles, Kuala Lumpur and Bangkok's official policy was to deter the boat people's arrivals, and presumably not the pirates' violence. It was widely suspected that Malaysia and Thailand were using the buccaneers as a secret weapon to dissuade and stop the refugee movement. To protect Vietnamese Asylees from the pirates' attacks, the UNHCR provided Thailand with an unarmed patrol vessel (*cost US\$160,000*) in May 1980 and encouraged Bangkok to take initiatives to exert effective control over its territorial waters. In 1981, the Thai government received \$2 million from the United States to establish an anti-piracy program; the fund was used to acquire 2 surveillance airplanes and repair 1 coastguard ship. Subsequently, Thailand threatened to kill the program after a request for an additional \$1.3 million in June was reduced to \$600,000. Bangkok later accepted the UN-proposed annual payment of \$3.6 million contributed by 12 countries to maintain its anti-piracy campaign.

With new financial resources in place, Bangkok's special anti-piracy force was formed with three patrol ships, three small 'bite' boats and two surveillance planes. Despite the impressive man-and-machine power, the Thai anti-pillage works appeared to have been undertaken superficially. In one sad instance in November 1982, one of the two planes reportedly intercepted an attack on a Vietnamese boat by four Thai ships; but when the plane disappeared behind the skyline instead of remaining at the scene until help arrived, the buccaneers returned and continued their robbery and subsequently abducted 12 women from the boat.

Thailand refused any direct help from foreign countries to contain and eliminate the pirates' operations. Bangkok decided that its Navy could handle the problem and all it needed was cash - a lot of cash! The record shows that, while the anti-piracy program was operating, the Thai government continued to publicly threaten to shut down all

refugee shelters and to prevent the boat people's arrivals. Bangkok announced that it would indict as illegal aliens all Vietnamese Asylees, who reached Thailand after August 15, 1981, and close all its refugee camps in 1982. Thai citizens were prohibited from helping Vietnamese refugees at sea and would face stiff penalties for offering assistance to the boat people in distress. In light of these factual realities, it was therefore not surprise to see a significant rise in reported cases of oceanic pillage after each anti-refugee announcement by Bangkok.

During the first five years in operation, the Thai anti-piracy campaign apprehended only 30 buccaneers. With the assistance of a U.S. regional anti-piracy unit and UNHCR consultants, the program became more effective in 1986 with 50 arrests and successful prosecution of 21 criminals, whose sentences ranged from 3-year incarceration to death.^[4] Statistics of pirates' attacks on the boat people also declined from as high as 70%-80% of arriving boats in 1980 to 44% in 1986 and 30% in 1987.

Although the pirates' barbarous raids on the defenseless boat people continued into the 1990s, however, the anti-piracy program destined to doom in 1988 because once again Bangkok implemented its push-back policy with increased intensity. Routine searches of 52 islands, on which the buccaneers previously imprisoned arriving boat people, were reduced to virtually nil. Unfortunately, international efforts by the UNCHR and the U.S. also appeared to have lost interests in protecting the Asylees from the pirates' violence. A relief official told representatives of the U.S.-based *Lawyers Committee for Human Rights* that:^[5] 'It is ludicrous to talk about anti-piracy when the Thai government is doing all it can to prevent boats from coming. Anti-piracy is in shambles, in the east and the south. And international coverage of the coast and the islands is non-existent.'

In 1988, the Thai Navy continued to receive financial contributions from the UNHCR to protect the boat people but was allegedly used by Bangkok to implement its push-back policy.^[6] On June 27, 1988, Thai patrol vessels towed 3 boats consisted of 61 refugees out to international waters. The officers then opened fire at the refugees and caused the boats to sink. Two young Aylees, who survived the ordeal, were detained and subsequently repatriated to Socialist Vietnam. In another reported incident, the Thai Navy was responsible for delivering the helpless refugees into the hands of pirates. On May 11, 1988, 79 survivors, who arrived in Malaysia after being pushed out by Bangkok, recounted that the pirates were patiently waiting for their boat. As soon as the Thai patrol vessel left the scene, the buccaneers immediately raided the boat and raped the defenseless women on board.

The Lawyers Committee For Human Rights conducted a review of the Thai anti-piracy program in 1988 and recommended the following actions to address many serious problems that its investigators uncovered: ^[7]

- 'a) The Thai government should grant full access to the UNHCR and U.S. Embassy anti-piracy and protection officers to interview refugees immediately upon arrival in Thailand or the islands and coordinate and share information on piracy. Immediate access will facilitate the prosecution of offenders.
- b) U.S. Embassy personnel should on a regular basis monitor Thailand's border and coastlines, and develop a system of reliable information contacts. Routine searches of the islands should be conducted and indigenous employees with multi-lingual capabilities need to be used...'

As a result of Bangkok's hesitance to enforce its law on the high seas and the Thai government's avowal to deport Vietnamese refugees, the brutality of the pirates' attacks on the boat people rose sharply. The buccaneers began to systemically destroy

incriminating evidence of their robberies by murdering all unfortunate victims on board. Despite the rise in the number of attacks and reports by surviving boat people, there were very few arrests. It is imperative to note, however, among those few pirates who were indicted, there were several Thai Navy officers^[8] - supposedly responsible for safeguarding the seaway - implicated by the surviving refugees for taking part in cruel pillage on the high seas.

[1] According to UNHCR Director of Protection Michel Moussalli's speech to the Assembly of Maritime Organizations in London on November 8, 1983.

[2] Lương B. Châu's husband was murdered and thrown overboard by Thai pirates in October 1978. Before clubbing him to death, the buccaneers chopped his finger off in order to get the gold ring. After robbing the refugees of all valuables and raping the women, the pirates steered their ship to ram the KG-0729 causing heavy damages to its wooden body. Miraculously, the surviving boat people managed to keep the KG-0729 afloat and eventually got to Bidong Island, Malaysia, a few days later.

[3] '50 Vietnamese boat people killed by pirates, UN aide says,' Boston Globe, December 26, 1985.

[4] A pirate named Mesa Sukchan was sentenced to death by the Songkhla provincial court in 1986 for pillaging, raping and killing of Vietnamese boat people. His three associates received sentences ranging from 15 to 22-year imprisonment. See 'Court gives death sentence for piracy,' Bangkok World, December 13, 1986.

[5] Refuge Denied, Lawyers Committee for Human Rights, 1989, New York, at p.85.

[6] '50 Boat People Apprehended,' Bangkok Post, February 28, 1988.

[7] Refuge Denied, Supra, at pp.6-7.

[8] In one reported case, a Vietnamese boat carrying 30 refugees was intercepted and brutally robbed by a Thai police vessel in May 1978. Several women were raped, and the boat was subsequently ordered to leave Thai waters. Eventually, the refugees managed to reach Songkhla and later filed a formal complaint but Bangkok failed to investigate the incident diligently. In another case, 6 Thai policemen were arrested on June 17, 1979 on charges of robbing and raping Vietnamese refugees nearly the coastal town Nakhon Si Thammarat; however, they were later released due to 'lack of evidence' even though they were identified and reported by the victims.

Abduction and Enslavement of the Boat People

The loss of one's valuables means little in comparison with the loss of one's family members. The pirates' vicious attacks did not stop at robbing valuables but extended to the raping and abduction of women. Young girls were sexually assaulted in front of their parents; wives were raped while husbands were handcuffed.

The worst nightmare became a dreadful reality when the buccaneers forcibly kidnapped the helpless women. From that point onward, the surviving refugees would have to live with a guilty conscience because they could not protect the disappeared victims. They constantly wondered why they risked their lives to take their loved ones to face oceanic dangers and eventually a disastrous doom. They felt at fault because they did not die in their protest against the pirates' seizure of the defenseless women.

In the first six months of 1981, there were 701 pirates' attacks on the boat people and more than 145 reported kidnapping cases. One of the survivors in Songkhla Refugee Camp is Ms. Nguyễn Phương Thúy, aged 15. Her baby sister named Trân and she left Vietnam with 66 others on a 33-foot-long boat on May 19, 1981. Forty hours later, the boat was savagely raided by Thai buccaneers. After taking all valuables from the refugees and seizing Ms. Nguyễn and another female, the pirates steered their huge ship to slam into the small Vietnamese craft and killed all people remaining on board including little Trân. During the following 3 ½ months, Ms. Nguyễn and the other woman were held captive as sex slaves and were repeatedly raped everyday. The kidnapers then sold them to other Thai ships in exchange for fishes; the victims were changed hands at least 14 times. Eventually, the 15th ship dumped them on a beach where they were subsequently arrested and held by Thai authorities as illegal aliens. In prison, Ms. Nguyễn met another unfortunate female victim named Nguyễn Thị Lan, aged 25, who was also kept as a sex slave on an island off the coast of Thailand for many days. After her release to Songkhla Refugee Camp, because of her dire experience, Ms. Nguyễn wrote letters home to plead with her mother and aunts not to leave Socialist Vietnam by boat. Ironically, Ms. Nguyễn Phương Thúy was prohibited by Thai authorities - supposedly implementing an anti-piracy program at that time - to speak to reporters about her dreadful journey.

The list of abducted victims is endless. Đinh Ngọc Lệ Thủy, born February 22, 1967, was kidnapped by Thai pirates on December 8, 1986 in front of her mother; her mother now lives in Garden Grove, California. Dư Tuyết Mỹ, born January 20, 1962, was abducted at sea on March 13, 1982. Nguyễn Thị Diễm, born December 25, 1966, was kidnapped in the Gulf of Thailand on February 16, 1984. Phạm Thị Khuê Lương, born January 1, 1967, and Phạm Thị Yến Ly, born October 26, 1968, left Rạch Giá port on May 24, 1988 and were taken away by Thai pirates on May 27, 1988. In the case of Tăng Bích Hằng, her family offers an unconditional reward of U.S. \$10,000 for information leading to her whereabouts.



A large number of refugee boats like this one never reached the destination of freedom after being savagely raided by cruel pirates or tossed by massive waves.

At least 80,000 to 200,000 boat people vanished at sea.

We do not know how many young Vietnamese girls and women were kidnapped by the pirates, but we can be certain that the number is horrendous. Among the victims known to have disappeared in their request for freedom are Tăng Bích Hằng, Nguyễn Thị Thu Nguyệt, Phạm Ngọc Bích Thủy, Võ Thị Cẩm Nhung, Nguyễn Thị Mỹ Dung, Phạm Thị Ngọc Bích, Phạm Thị Ngọc Hạnh, Nguyễn Thị Ngọc Anh, Diệp Mỹ Linh, Nguyễn Thị Hiền, Hoàng Thị Kim Chi and Hoàng Thị Kim Dung, Quách Lê Nương, Lê Thị Kim Hồng, Huỳnh Kim Phụng, Đinh Thị Như, Nguyễn Thị Đặc Tâm, Nhữ Thị Thiên Kim, Vũ Thị Thanh Thảo, Nguyễn Thanh Thủy, Đặng Thị Quỳnh Hoa, Đặng Thị Quỳnh Như, Tiến Xuân Mai, Nguyễn Thị Cẩm Hồng, Bửu Nghị Liêu, Đỗ Hoàng Dung, Vũ Xuân Phụng, Nguyễn Diễm Hương, Võ Thị Tuyết, Bảo Trân, Tạ Thị Kim Hoàn, Trần Mỹ Hằng, Lê Nguyễn Trúc Mai, Phạm Thị Sương Liễu, Phạm Thị Trúc Ly, Phạm Thị Ngọc Luyện, Châu Yến Linh, Trần Bích Thủy, Trần Thị Mỹ, Ngô Thị Liễu, Tống Mỹ Hạnh, Nguyễn Thị Kiều Dung, Nguyễn Thị Kiều Phương, etc.

The abducted victims were usually murdered after being sexually assaulted by the pirates, who often tried to destroy all evidence of their criminal activities. In a few cases, the victims were known to have been sold into prostitution. In one reported incident, Ms. Nguyễn Thị Trương was kidnapped, raped repeatedly and then forced to work as a prostitute at the Heavenly Pleasure Massage Club in Southern Thailand.[\[1\]](#)

In another case, Ms. Nguyễn Ánh Tuyết and her sister Nguyễn Thị Nam left Nha Trang on December 8, 1979. During the course of the journey, 12 children died after the boat ran out of fuel and fresh water. On December 21, the desperate refugees encountered two pirate ships. Ms. Nguyễn Thị Nam was clubbed by the Thai buccaneers to death and thrown overboard. After the violent robbery, the victims were taken to Khra Island where they were kept as slaves. Three young girls continued to be held captive on the pirate ships. One of the three young women, Ms. Lan, was detained on the first ship, and her fate remained unknown. Ms. Nguyễn Ánh Tuyết, aged 17, and Ms. Công Huyền Tôn Nữ Mỹ Kiều, aged 17, were eventually taken by the second ship's kidnappers to a hotel in Songkhla. When one of the buccaneers tried to rape her, Ms. Nguyễn Ánh Tuyết screamed aloud. Her cries attracted the attention of nearby tourists, who quickly intervened and rescued her. Eventually, the Thai authorities got involved and secured

the two women's release. Upon apprehension, the pirates admitted that they were planning to sell the captive victims into the sex trade in Songkhla.

As for many other refugees, they were enslaved on several isolated and inhabited isles off the eastern coast of southern Thailand, one of which was Koh Khra (Freckle Island) 43 miles from Phak Phanang District. Koh Khra was hell on earth for a large number of boat people, who were abducted and taken there by Thai pirates. The sea terrors took the unfortunate refugees to Khra Island after destroying their boats and kept them prisoners. The defenseless victims had no means to escape and were isolated completely; they soon became dependent totally on the buccaneers for food and fresh water.

Once the helpless refugees were taken to Khra Island, all buccaneers quickly learned about the presence of the new prisoners from radioed information sent by the kidnapers. Thereafter, several fishing ships stopped by the isle daily to rape the women and young girls; some of these victims just turned eleven or twelve years old. As soon as the captive refugees saw the pirates' colorful ships appearing on the skyline, they fled and tried to hide themselves in cages or bushes. They were terrified by the daily atrocious conducts, and thus many went deep into the wood to avoid the bandits. Others hid themselves in small caves filled with salt water; their feet were nipped by sea crabs, but they had to swallow the pains because they feared the pirates more than anything else on earth. When the brutal fishermen came to the isle, they quickly turned into savage man hunters. They searched the wood and tortured the unlucky victims to find out others' whereabouts. The cycle of violence and rapes reoccurred once again. Fortunately, rescues by the UNHCR occasionally arrived. The evacuated Asylees were subsequently taken to refugee camps for medical care. A large number of women and teenage girls had to be transferred to Thai hospitals whereby only sophisticated medical techniques and drugs could save their lives. Many victims faced severe psychological problems as a result of the hellish experience that they underwent on Khra Island.[2]

Despite how hard they tried to forget the ordeal, the nightmares still remained visible in their mind and continuously haunted them daily.

The Koh Khra incidents were many and well-documented.[3] In one case, Mrs. Nguyễn Thị Thuởng and her family left on boat no. SS0640 IA on December 1, 1979. The vessel carrying 107 people was robbed by Thai pirates, who then took the victims to Koh Khra. The men were forced to swim to shore from a far distance, and 7 of them consequently drowned. During their 8-day ordeal on the island, the women were raped and the men were tortured repeatedly. On the 3rd day, a patrol boat no. POLICE#513 anchored a few meters from shore and noticed their loud call for help but did not respond. The pirates came back the following days and continued their savage attack on the captive refugees. Eventually, the unfortunate victims were rescued by a UNHCR team and transferred to Songkhla Refugee Camp in Thailand.

With international aid, Bangkok set up an observatory station on Khra Island in 1981 to save enslaved victims. During a 12-month period, 1250 boat persons were evacuated from Koh Khra, where 160 other unfortunate victims died before help arrived. A UNHCR report described some of the horrible scenes on the isle:[4] 'One woman was severely burned when the pirates set fire to the hillside where she was hiding in an attempt to flush her out. Another cowered for days in a cave, waist-deep in water, until crabs had torn the skin and much of the flesh away from her legs. A young girl who died after being gang raped is buried under a simple slab at the edge of a clearing.'

In 1980, a 2-month study taken by the boat people at Songkhla Refugee Camp shows the following horrific statistics:

1980	May	June
Arriving boats	41	36
Arrivals were robbed	36 (88%)	35 (97%)
Arrivals taken to Koh Khra	5 (12%)	1 (3%)
Female arrivers	384	440
Arriving rape victims	92 (24%)	55 (13%)
Known victims who died or lost at sea	70	3

Khra Island was not the only hell for the boat people. A temporary camp named Kuku on Jemaja Island was another hell within the Indonesian territories. On this island where Vietnamese arrivers were held temporarily in military tents before their refugee-screening interview and subsequent transfer to other centers such as Pulau Galang refugee camp, Indonesian soldiers often kidnapped female Asylees and gang raped the victims at nights between 1989 and 1990.[5] According to Ms. Nguyễn Thị Thủy, a boat person encamped in Kuku camp now residing in Toronto, Canada, the victims and their families did not dare to complain to international agencies because they feared for their safety. The calamity was unfolded only after a female victim's uncle was beaten to death by Indonesian soldiers when he resisted their beast-like raid; the uncle's terrible fate sparked diplomatic intervention and eventually ended the Indonesian savage grip on the defenseless refugees.[6]

Khra and Jemaja Islands were certainly not the only isles whereon the boat people were detained, enslaved, raped and murdered. *How many other Khra and Jemaja Islands were there in the Gulf of Thailand?* There were at least 52 islands frequented by the pirates, but the local authorities showed no interest in any prolonged search and rescue mission to evacuate Vietnamese refugees from these hellish islands. The official policy was clearly to prevent the Asylees' arrival rather than to stop piracy; and therefore, various international observers rightly speculated that the pirates and other criminal elements were encouraged by their government's acquiescence to deter all Vietnamese boat people from reaching safety.

[1] Bangkok Post, 9 September 1979.

[2] Mental illnesses affected not only the Khra victims but also other terrified survivors. For example, by late 1979 on Bidong Island in Malaysia, there were at least 28 Vietnamese refugees, mostly rape victims, diagnosed with serious mental problems.

[3] For documented cases, please refer to Nhat Tien, Duong Phuc, Vu Thanh Thuy, *Pirates on the Gulf of Siam*, 2nd Edi., Boat People S.O.S. Committee, San Diego 1981.

[4] Quoted in Barry Wain, *The Refused: The Agony of the Indochina Refugees*, supra, at p. 71.

[5] Kuku camp is an ugly reflection of Thailand's NW82 camp that held Vietnamese land people.

[6] Interview with Ms. Nguyễn Thị Thủy on November 30, 1998 at Lloyd Duong Attorneys Atrium in Toronto, Canada. Ms. Nguyễn Thị Thủy was permitted to enter Canada on October 20, 1992 on humanitarian grounds as a result of the Kuku incidence.

Life in Refugee Camp

The boat people's interim break between their dreadful escape and resettlement challenges was spent in various refugee camps. Thanks to international aid, numerous shelters for Vietnamese Asylees sprung up across Southeast Asia from Indonesia, Philippines to Malaysia, Thailand. When the first international conference on Indochinese refugees was held in Geneva in July 1979, nearly 200,000 boat people were waiting in various refugee camps for resettlement opportunities:

Brunei 20 South Korea 42

Japan 531 Singapore 1,098

Macau 3,256 Philippines 5,540

Thailand 9,112 Indonesia 46,189

Malaysia 66,222 Hong Kong 66,419

Refugee camps' shelters differed significantly from tents or wooden huts in barbed-wire enclaves to barracks or concrete domiciles in secured enclosures without access to the outside world.^[1] For instance, Songkhla Camp in Thailand was hastily put together by Bangkok in June 1976^[2] in Mueng District but it quickly ran out of room for the refugees; and thus in December 1978, a bigger camp was constructed on a beach far away from any sights of civilization in order to house the existing 3,000 boat people. Two years later in February 1980, the camp grew to contain 32 wooden barracks and shelter more than 6,000 refugees who were in the camp at the time. The camp was surrounded by a barbed-wire fence and controlled by a Thai army company. It had a few wells to supply fresh water for cooking but no place for the Asylees to gather fire woods; thus, when the UNHCR's monthly limited supply of charcoal ran out, the refugees were required to buy fire woods and other necessities such as cooking wares at a small market ran by Thai soldiers' cronies just outside of the camp. Without financial resources or monetary assistance from overseas relatives, a refugee had no choice but to depend on charity in order to survive.

At the peak of the exodus in 1979, except for Hong Kong which maintained its own refugee program with some UN assistance,^[3] the UNHCR spent on a daily basis from U.S. \$0.25 for each refugee in Thailand to U.S. \$1 for every Asylee in Malaysia. Supply shipments to refugees did not always reach their intended destinations easily. For instance, it took 24 to 36 hours to ferry foods and necessities to the boat people stationed on Bintan Island in Indonesia. As a result, dozens of lives including women and children perished while waiting for scarce supplies.

An over-populated Malaysian refugee camp on Bidong Island (Pulau Bidong) was perhaps one of the most well-known shelters for Vietnamese boat people. In July 1978, 121 Vietnamese were ferried to this undeveloped and uninhabited one-kilometer square volcanic island. Six weeks later, 600 more refugees were transferred to the island but nothing was done by either the Malaysian government or the UNHCR to provide the Vietnamese with basic facilities such as supply bridges, storages or public toilets. The number of refugees increased to 9,000 during the following month and then 29,000 by year's end. The Asylee population on Bidong Island eventually climbed to more than 54,000 people; and miraculously the refugees had managed to survive without even basic and proper amenities. The newly-reclaimed freedom had provided a great opportunity for the boat people to exercise their creativity to conquer nature in order to ease their hard life in the camp.

To exist in such a severe situation for many months or even years, besides possessing hopes of a better future, the refugees tried to be incredibly innovative to improvise for the lack of basic facilities. They traveled up the 300-meter-high hill on Bidong Island to gather fire woods for cooking and materials to build their huts or family shelters. A hut was about 2 meters in width and 3 meters in length; and some even had electric lights supported by car batteries.^[4] To supplement their 8-litre-per-person fresh-water quota supplied by the UNHCR on every second day,^[5] they dug over a hundred wells around the camp; during dry seasons, however, only a small number of these wells contained drinkable water. Fresh water thus was one of the most critical items in the mind of many refugees on Bidong Island; and according to a former refugee named Hạnh, 'the worse thing was water. All the wells were getting low - there was no pure water for drinking and cooking. All day there were queues of people waiting for water and at 2 or 3 o'clock the queues were particularly long. In addition, the weather became bad. The sea was very rough, food couldn't be carried. Malaysian fishing boats tried to come with very expensive food. They were businessmen. We had to waste our money and pay high prices for food. Prices rose at the same time as the number of dead bodies.'^[6]

The UNHCR's 3-day ration for each refugee included 900 grams of rice, 2 bags of sugar, 1 bag of salt, 3 tins of canned fish, 3 tins of canned beans, 3 tins of canned chicken, and 3 bags of either tea or coffee. Every two months, subject to accessibility, the refugees were supplied with fresh vegetables. Children of tender age were allowed additional milk powder and dry biscuits. To find necessities to subsidize the UNHCR's ration, some refugees traded with Malaysian fishermen despite the patrol soldiers' severe punishment if caught red-handed without money to pay bribe. Those with hard currencies could acquire goods from a flea market that flourished inside the camp and sold all types of items ranging from toothpaste, cloths, cigarettes, sugar, flour to apples, grapes, pops and cookies. Fancy products such as flashlights, watches and perfumes were also available. As well, for sale were construction tools and materials such as hammers, saws, nails, screws and metal wire needed in the building of residential huts.

To facilitate their religious activities, the refugees erected a Buddhist pagoda and a Christian church on the Religion Hill (Đồi Tôn Giá), where a cemetery also existed to harbor resting places for several dozens of Asylees who passed away on the island. It was common knowledge that the first boat person who died on Pulau Bidong was an old man killed by a falling coconut. By late 1979, there were 78 deaths on the island; but the refugee population also increased by 371 new births.^[7] At least 28 people, mostly rape victims, were diagnosed with serious mental problems but there was no facility to care for them. The living condition on Palau Bidong was so miserable that the boat people named the island as 'Cù lao bi đát' or 'Hải đảo buồn lâu bi đát' (Island of Tragedy or Sad Isle).

Refugee life in sheltering camps witnessed many happy moments as well as unpleasant experiences. The camp's environment was a fertile ground for the development of lasting friendships, the creation of fraternities that continued to flourish in resettlement countries, the permanent union of lovers, the generous sharing of necessities among the dispossessed, the devotion to religions following tragic escapes, the novel innovations in the art of Vietnamese cuisine along with the rise in entrepreneurial spirits, etc. Human faith in Buddha or God was revived in many boat people, especially those encountering terrible ordeals on their journey to freedom. Almost every refugee camp had a Buddhist pagoda, a Catholic church and a Baptist chapel built and supported by long-time devotees and new followers. Weekly attendance was always full, and

latecomers had to stand outside of the premises to listen to vocal interpretations of holy teachings. Besides holding masses, these religious centers also provided facility for many activities including bible seminars, foreign-language classes, Vietnamese schools for young children, charitable and cultural functions.

Social activities, both religious and secular, helped to bring the boat people closer together in strange lands. Many new friendships were made and lasted for many years to come. A number of couples got married, and some even desired to name their babies after the refugee camp, where the infants were born, such as Songkha Nguyễn. Several organizations were founded or reestablished to offer social and logistic assistance to associates. There was even a secret group operating in various Thai refugee camps in the early 1980s with the objective of assembling and sending members back to liberalize and democratize Socialist Vietnam.

National downturns sometimes bring out the best in ordinary people. The spirit of sharing among the boat people was evidential among the encamped refugees and between the Asylees and resettled expatriates. While awaiting for resettlement, thousands of boat people volunteered to take part in numerous activities from providing interpretation services, publishing news bulletins, undertaking security and sanitary works, offering assistance to the new arrivers, coordinating musical entertainment and caring for unaccompanied children and orphans, who lost their parents at sea. Special needs of the elderly and youth were also addressed by the volunteers. Beside religious functions, language and western lifestyle classes were held to offer older boat people some insights into their coming resettlement challenges. As for youngsters, besides daily schooling, weekly picnics and sport tournaments were organized to direct their active energy to worthy purposes.

In resettlement countries, Vietnamese expatriates did not forget their encamped counterpart. Beside financial contributions, they also collected and forwarded magazines and newspapers to various camps to update the sheltered Asylees with worldwide and community information. Occasional trips were organized by the expatriates to Southeast Asian refugee centers to deliver substantial necessities to the encamped boat people. In later years, when the refugee screening process was implemented, the expatriates supported various volunteers to return and provide legal assistance to the asylum-seekers. To shelter the Asylees in the Philippines, Viet Village was built by the local Catholic church with approximately U.S. \$2 million in donations from Vietnamese expatriates.

It is common knowledge that the Vietnamese people are particularly fond of excellent traditional foods such as chả-gìò (imperial rolls) and phở (noodle soups) as well as tasty pastries such as xôi (sticky rice) and chè (sweet puddings). Therefore, it was no surprise to find many eateries and cafes sprung up in various refugee camps just a few months after their establishment. One had to deeply admire Vietnamese women, who were incredibly creative in preparing traditional cuisine from the local non-Vietnamese ingredients. They invented cooking accessories from used gadgets to process local food items and managed to find seasonings to add Vietnamese flavors to the dishes. Popular recipes were modified by the women to reflect local realities without losing traditional tastes. Soon or later, delicious foods such as chả-gìò (imperial rolls), phở (noodle soups) and delightful pastries such as xôi (sticky rice) and chè (sweet puddings) appeared in almost all refugee centers.



Food stalls in Galang Refugee Camp.
(Photo: Lý Khánh Vân)

marred by negative experiences brought about by the local authorities' corrupt practices, brutal assaults and abductions of female Asylees. The local soldiers assigned to guard refugee camps often searched and confiscated valuables from the boat people. Resistance attracted severe retaliations ranging from physical beatings to lengthy imprisonment in *chuồng khỉ* (monkey cages). For example in 1979, 1,400 boat people held in Letung on Jemaja Island were repeatedly pressured to pay U.S. \$50 each to the Indonesian police for access to free UNHCR refugee registration sessions.

Abductions and rapes of female Asylees by the soldiers and their cronies were not uncommon. In a temporary camp named Kuku on Jemaja Island, Indonesian soldiers seized female Asylees from their families and gang raped the kidnapped victims for many months in 1989 and 1990. In another reported case, Ms. Mỹ Linh was raped by uniformed Thai soldiers when her group was detained in a military camp in March 1988. Ms. Mỹ Linh's group was eventually put on a leaking canoe and towed out of Thai waters after 3 nightmarish days in detention. The desperate victims managed to reach Kut Island and were taken by UNHCR representatives to Rang Yai Island on March 12, 1988 to join 500 other survivors. In another similar incident, rape survivor Nguyễn Diễm Chi was detained by the Thai authorities for 23 days in April 1988. During the confinement, she was sexually assaulted by the soldiers assigned to investigate the criminals who attacked her previously.

Earlier in Songkla Refugee Camp in Thailand, on March 18, 1980, a gang of plain clothed assailants knocked a man out, grabbed his girlfriend and carried her toward to the soldiers' station. A group of refugees sleeping on the beach nearby heard her screams and ran after the thugs, who had gone beyond the camp's boundary. Eventually, by disregarding the rule to stay within the preset boundary, the refugees were able to rescue the female victim from her kidnappers. Thai soldiers immediately moved out of their station and, instead of looking for the assailants, blamed the refugees for their conduct outside of the camp's boundary.^[8]

Despite the negative experiences, however, almost all boat people agreed that the time spent in refugee camps was one of the most memorable moments in their lives. After

encountering resettlement challenges in final-asylum countries, some even asserted that it was one of their better breaks. [9]

[1] Singapore maintained the best camp at Hawkins road, but only those refugees rescued at sea and in possession of resettlement offers could gain admission. Hong Kong initiated an interesting refugee self-support program in 1979 to allow the boat people to find works on the island. The program, however, ended with the introduction of closed-camps to imprison all arriving refugees in July 1982.

[2] Before June 1976, Vietnamese boat people arriving in Thailand were taken to Sikhiu camp in Nakhon Ratchasima. In June 1976, two new camps were established in Songkhla (*for those who landed in Southern Thailand*) and Laem Sing (*for those who disembarked on the eastern coastline*). Laem Sing Refugee Camp and other shelters in Aranyaprathet, Buriram, Fak Tha, Kap Cherng and Mairut were closed in 1981.

[3] Hong Kong's direct spending on refugees in 1979 amounted to U.S. \$14 million. On August 16, 1979, the UNHCR reduced the refugees' daily food allowance to HK\$4.

[4] At the peak of the boat people exodus, despite camp regulations prohibiting the sale of huts, the cardboard-walled and wooden shelters were changed hands at steep prices; some huts cost as much as several hundred dollars. In later years, efforts were made to build common residential barracks known as 'long houses' for the refugees to ease the lodging shortage.

[5] During dry season, the fresh-water quota was reduced to 2-liter-per-person-per-day.

[6] Note from Hanh prepared in an English school managed by the Immigration Reception Centre at Mangere, Auckland in July 1979. Quoted by Keith St Cartmail in *Exodus Indochina*, Heinemann, 1982, at p.123.

[7] By New Year's Day of 1981, Pulau Bidong refugee camp celebrated its 1,000th childbirth. At that time, the refugees managed to set up 7 schools with 145 language classes for adults and children.

[8] This writer was among the boat people chasing after the Thai thugs that night.

[9] The last refugee camp for the boat people - *the Pillar Point Vietnamese Refugee Centre* – in Hong Kong was closed in May 2000. Its 1,400 residents were not accepted for resettlement due to uncertainty about their nationality (*i.e. Mainland Chinese citizens claimed to be Vietnamese refugees*) and past criminal conducts. Most of them were granted residency rights by the Hong Kong government.

Refugees from North Vietnam

Vietnamese trade delegate defects Wednesday, July 17, 1990

Businessman asks for refuge in Canada

PARLA BRONKS
Journal Staff Writer

Vietnamese Defector Going into Hiding
Bruce Felt and Lisa Dempster,
Southern Newspapers - July 13, 1990

A Vietnamese government official today in Calgary who he
... trade delegate says he'll stay underground



Six more Vietnamese fly the coop
Some fear secret police

NICK LEE
Journal Staff Writer

trader and exporter from Hanoi.
"Fear and distrust are common in
a country where police often help

For thirty years from 1954 to 1975, beside the mass evacuation of North Vietnamese in 1954 following the Geneva Agreement, occasionally some refugees in the North were able to escape Hanoi's rigid control and requested protection from the South Vietnamese

government. The fall of Saigon in April 1975 eliminated the last free port in Indochina for North Vietnamese, who wished to flee communist persecution and seek asylum elsewhere.^[1] However, as the boat people from South Vietnam successfully overcame deadly challenges to reach their destination of freedom in strange lands, people from the North redirected their escape and gradually arrived in Hong Kong and Macao.^[2] Although the North Vietnamese escapes seemed to be easier and cost less than those of their southern counterpart,^[3] most of their boats or so-called junks were neither motorized nor equipped with adequate navigational tools. In many cases, sailing was the only method of transportation for the northern asylum-seekers, besides walking into to neighboring China to find a way to Hong Kong or Macao. The North Vietnamese journeys usually took 6-8 weeks and could be characterized as 'island-hopping' because their floating junks often hugged the coastline of southern China before arriving in Hong Kong or Macao. At no time the floating junks lost sight of land where the asylum-seekers could stop periodically for repairs and supplies as well as to drop anchor during stormy weather. It is interesting to note that Beijing allowed the 'island-hopping' Asylees to disembark to re-supply frequently as long as they would eventually continue on to claim refugee protection in another state, which was often the British colony of Hong Kong.

In 1982, the government of Hong Kong, where most North Vietnamese landed, introduced legislation to imprison all arriving boat people in 'closed camps.' After July 2, 1982, all asylum-seekers who disembarked on the island were directed to read a posted notice:

'All former residents of Vietnam seeking to enter Hong Kong since 2 July 1982 are detained in special centres.

If you do not leave Hong Kong now, you will be taken to a closed centre and detained there indefinitely. You will not be permitted to leave detention during the time you remain in Hong Kong. It is extremely unlikely that any opportunity for resettlement will be forthcoming.

You are free to leave Hong Kong now, and if you choose to continue your journey, you will be given assistance to do so.'

Hong Kong's 'special centres' for the refugees were triple-decked cubicles approximating 8'x6'x3' each and separated by wooden boards and draperies. There was no privacy, and basic facilities were severely limited. Occasionally, temporary jobs inside the camp were available at exploitative wages; a day's work earned the refugees U.S. \$0.40.

An official of the Executive and Legislative Councils of Hong Kong observed in 1990 that:^[4] '... many asylum-seekers arriving in Hong Kong were not fleeing persecution and hence were not refugees by the United Nations definition. Many were ethnic Vietnamese rather than ethnic Chinese. Increasingly, they were from North Vietnam and had no association with the old southern regime or the U.S. presence. They were simply economic migrants in search of a better life... in 1988, the numbers arriving (in Hong Kong) began to raise sharply. Over 70% were from North Vietnam and over 98% were ethnic Vietnamese.' It was incredibly absurd to predispose that North Vietnamese were bogus refugees and thus deny them asylum.^[5]

The case of Mr. Nguyễn Mạnh Hùng, an Asylee from North Vietnam, easily dismissed this shallow assumption. Despite Mr. Nguyễn's vivid and cogent accounts of communist persecution inflicted upon him, including lengthy incarcerations, for his long-held liberal view, his refugee claim was rejected for lack of credibility. Mr. Nguyễn Mạnh Hùng's case was most convincing and persuasive, but the refugee screening process failed him

because he was an ethnic Vietnamese from the North. When Mr. Nguyễn Mạnh Hùng, with the assistance of volunteer lawyers, appealed the official dismissal to Hong Kong Supreme Court in order to expose the inherent injustices and racial discrimination within Hong Kong's refugee screening system, the local authorities quietly intervened and allowed his refugee claim because a legal defeat could cause grave public embarrassments for the government.

Mr. Nguyễn Mạnh Hùng's case demonstrated that compelling refugee claims could be summarily dismissed due to prejudicial and erroneous assumptions about North Vietnamese asylum-seekers. American attorney Daniel Wolf, who spent some time in Hong Kong to assist the boat people, provided the following observation which this writer partly share based on personal experience in Southeast Asia:[\[6\]](#)

'There are also glaring similarities among the files of those who have been denied refugee status. For example, if one is to believe what is recorded in the files, nearly every asylum-seeker, regardless of the strength of the persecution claim, stated that he or she left Vietnam for "a better living overseas," and refused to return because of fear of "being punished for illegal departures." Moreover, when asked if they had any further points they wished to make, in nearly every case applicants are alleged to have answered "nil."

Based on my survey of more than a hundred cases and my discussions with those working in the field, my conservative estimate is that 40 to 60 per cent Vietnamese in Hong Kong's detention centres, including 30 to 50 per cent of northerners, have fled persecution in Vietnam and are refugees under the 1951 Convention and 1967 Protocol relating to the Status of Refugees.'

The case of asylum-seekers from North Vietnam exposes racial prejudice that could occasionally tarnish human compassion and jeopardize the flight of genuine asylum-seekers. Any true attempt to distinguish between Convention refugees and economic migrants could not be based on shallow and prejudicial foundations because this would destroy any real opportunity for genuine Asylees to present their case while allows phony claimants to abuse the process and receive preferential protection simply on the basis of their racial composition.

Addendum

Refugees from North Vietnam did not just cross the South China Sea by boats to Hong Kong or Macao, many had also made their way directly to the West in order to seek asylum. In one celebrated case, 18 persons defected from Hanoi's trade delegation to the 'Discover Vietnam Exhibition' during Klondike Days, a major international trade show held in Edmonton, Canada, in July 1996. At the request of the Vietnamese community in Toronto, this writer volunteered to act as attorney for Ms. Mai Thị Thu Thủy, one of those defectors, before the Canadian Immigration and Refugee Board. Ms. Mai was subsequently granted political asylum in November 1997.

[\[1\]](#) Cambodia and Laos are also under communist control.

[\[2\]](#) In June 1979, it was revealed that some Macao Security Police officers were colluding with Hanoi to transport human cargoes to Hong Kong.

[3] North Vietnamese were required to contribute only U.S. \$600-\$700 per person to organize their departure in comparison to the \$1,500-\$5,000 per person cost in the South. It should be noted, however, the destitute northerners' monthly wages ranged between U.S. \$25-\$45, which was much less than that of their counterpart in the South.

[4] Rita Fan, Hong Kong and the Vietnamese Boat People: A Hong Kong Perspective, *International Journal of Refugee Law*, Special Issue, September 1990, Oxford University Press, p. 144, at p.149.

[5] This shallow observation fails to reflect historical facts accurately and incites unnecessary racial tension. Either deliberately or inadvertently this view forgets that the arrivals of Chinese ship people on freighters piloted by international Chinese racketeers in 1978 and 1979 caused grave concerns for the world; those fare-paying passengers – and not Vietnamese refugees on small boats - were initially considered to be 'economic emigrants' or 'illegal immigrants' by the UNHCR and all neighboring states, including Hong Kong. Legally, there was no probable way for the Chinese voyagers to qualify as refugees in order to receive protection and care at the expense of the international community when they left Socialist Vietnam by open arrangement under Hanoi's protection and with the overseas Chinese criminals' assistance. However, they were eventually granted asylum, thanks to the widely published sufferings of the Vietnamese boat people at sea.

The aforementioned observation also demonstrates complete ignorance of the underlying concepts of refugee protection and a propensity to fail asylum-seekers, rather than to identify and protect genuine Asylees. It is common knowledge in the legal and political arenas that a person could assert a refugee claim on a ground other than politics, *i.e.* it could also be religion, nationality or membership of a particular social group. There is absolutely no legal or factual requirement that North Vietnamese had to have 'association with the old southern regime or the U.S. presence' in order to establish a valid asylum petition. Those Asylees might validly need protection from persecution because Hanoi actively discriminates against and seeks means to contain and destroy all non-socialist segments of society that it considers undesirable based on religion (*Buddhists, Catholics, Cao-Daists, etc.*), political opinion (*dissidents, pro-democracy activists, South Vietnamese soldiers, officers and officials and their family*), or membership of a particular social group (*intellectuals, business entrepreneurs, etc.*).

[6] Daniel Wolf, A Subtle Form of Inhumanity: Screening of the Boat People in Hong Kong, *International Journal of Refugee Law*, Sept. 1990, Oxford University Press, p. 161, at p.166-167.

The Vietnamese Land People

In addition to 796,310 Vietnamese Asylees who escaped communist persecution by boats, 42,918 other refugees walked across Cambodia or Laos into Thailand in search of liberty.^[1] The conditions that these land people had undergone were no better than those of the boat people. They had to confront countless dangers of the wild forests, to suffer guerrillas' savage attacks, to pass miles and miles on their own feet over countless cold and deadly roads.

Many lives were lost during the journey on land to freedom. In June 1981, a severely injured Vietnamese boy barely made it to the Thai border. He was the only one from his group to escape death; the other eleven people were executed by Khmer Rouge cadres. Trần Văn Phước was another land refugee, who came to Thailand in February 1982. On his way to freedom, he was detained temporarily by Khmer Serei soldiers, who once hammered his head repeatedly but miraculously he survived.

When the land people finally arrived in Thailand where they thought to have attained freedom, they were imprisoned until the local authorities decided to process their refugee claim. Commencing March 20, 1980, Bangkok refused to allow Vietnamese land people from claiming asylum out of the fear that it would lead to more arrivals by land; it further contended that Cambodia was the first-asylum country, and thus the land people should have been processed there, *i.e.* outside of Thai territories. As a result, newly arriving Vietnamese Asylees were held captive at various locations on the Cambodian side. Names such as Camp Non Chan, Non Samet (or Camp 007), Non Makmun (or Camp 204) evoked bitter memories among the land people. In these camps, the refugees' lives were miserable because they were treated worse than animals. Food supplies and fresh water were severely limited, and camp security was next to nil.

At night, the land people became dispensable targets for soldiers and armed guerrillas. Khmer Rouge and Khmer Serei soldiers as well as paramilitary camp security guards (frighteningly known as 'Para') frequently kidnapped and gang raped women at night. Wealthy female Asylees had to pay for overnight hiding places inside Cambodian huts in order to escape the rampant sexual assault. During daytime, male refugees were forced to work for free, and any opposition could bring about a death sentence. The land people were completely defenseless victims of brutality until Bangkok agreed to process their refugee claim and thereafter transferred them to Camp Northwest 9 (or Camp 042) and other similar refugee centres on the Thai border.^[2] Camp Northwest 9 was created in early 1980 and run by the Thai army as a station against potential attacks by Hanoi's tanks. It started to shelter the land people on April 18, 1980 with the assistance of the International Committee of Red Cross (ICRC). The Asylees could stay in Camp Northwest 9 from several months to years before being transported to Panat Nikhom Holding Center from where they would receive refugee protection.

The followings are excerpts from a letter written to the writer by Mr. Vạn Trường, an old friend currently residing in Texas. It describes in details his appalling experience as a land refugee.

'.. When everything (the arrangement) was completed, we left Vietnam on a small boat. After cruising the Mekong river, we came to Phnom Penh where the group rested for the night.

The next morning, we began to head for Thailand under the guidance of a local Cambodian. I was told to remain absolutely silent. And if questioned by anyone, I had to pretend to be mute since birth. It was a very hard role to play; but believe me, if your life depends on it, you would perform it even better than a professional actor.

After a long week full of difficulties, we came to a place near the Cambodia-Thai border. From there, we had to pass through a horrific path about 60 kilometers to get to Thailand. Although we occasionally had use of some old bicycles, but most of the time, we walked. The road was extremely bad and full of deadly stuffs like booby traps and buried mines. We always tried to join the smugglers, who ran contraband goods across the Cambodia-Thai border.

Cambodia has suffered so much to an unbelievable point. The country is extremely poor and completely devastated. Countless corpses lied along the path. Wells were full of skulls and bones. Everyone eventually became senseless because we saw too many of those scenes. Our feelings as well as sympathy seemed to have departed from our heart and mind altogether.

I was detained and questioned by Khme Rouge infantrymen once. As I was told earlier, I tried to act like a speechless dummy. I was frightened to death. Fortunately, the Cambodian guide was able to make some arrangements to get me out; otherwise, I wouldn't be here in North America today. There were so many times that we were stopped, searched and threatened by all types of guerrillas, who had modern weapons in their possession. They wanted gold and valuables as badly as those pirates in the Gulf (of Thailand).

In the jungle, like elsewhere, women were the ones who suffered the most. Just about all of them had repeatedly become sexual targets for Thai soldiers and Cambodian guerrillas. Many of those beast-like gunmen were still in their early teens. At their age, they should be in school to learn and have fun like we did. But what can we say? They are the results of a war that no one would actually benefit from. They are just victims of the circumstance. I feel very sorry for them, but even more for the people who suffered from their savage conducts. During those sad moments, when the gunmen raped the women, I only knew to turn my head away and hid my feelings. We hated ourselves for being helpless; but what could we do? We couldn't help anyone, not even ourselves. A small reaction would get us killed. In that jungle, justice was in the hands of those who had guns.

Many days later, we finally arrived in Thailand. The Thai authorities put us in a tiny and miserable camp near the border. Except trees, there was no one and nothing around us. When the sun was still on, black flies invaded the whole place. During nighttime, mosquitoes were the bosses and, around the clock, centipedes and snakes acted like masters of the wild forest. There wasn't any well or spring from which we could get water. For drinking, cooking and bathing, each of us was supplied with two liters of water a day. It was a hard life; but miraculously, we managed to survive like that for a long period of time.

The camp wasn't secured either. Twice we had to leave it to avoid bandits, who equipped themselves with heavy firearms. It was full of dangers over there. Death was so close to the point that we all could feel it. Most of us were anxiously waiting for permission to leave that place.

I spent eight months in that miserable camp before the authorities allowed me to go to Chunburi where a refugee camp run by the UNHCR located. I couldn't believe that I had made it through...'

Among the land people who sought freedom by passing through the deadly forest on foot, there were many young Vietnamese, who once were members of Hanoi's occupying force in Cambodia. They deserted the red army to seek asylum in Thailand but unfortunately, somehow, they were classified as POWs rather than political refugees and were mistreated by Thai soldiers and Cambodian guerrillas. Their fate was uncertain because they were neither being sent back to Hanoi for punishments nor being processed for transfer to refugee camps. In another word, they were 'unwanted.'

In late 1981, there were approximately 400 deserters held in a sealed-off section in Sikhiu camp in Nakhon Ratchasima. There were 26 detainees from North Vietnam, and the rest were escapees from the South. It took a very long time (at least after the 2-year 'sojourn' imposed by Thailand in July 1981) before a few of them could get permission to claim refugee protection; and it took even longer for any of them to be resettled.

While awaiting for their refugee claim to be processed, the 'unwanted' were detained and deprived of the freedom they had longed for even before they set their feet on Thailand. They were held captive as criminals although they were just as innocent as anyone else in Socialist Vietnam. They themselves did not want to join the socialist armed forces; but instead, they were required to do so by the communist regime. They had already risked their lives by deserting Hanoi's army and passing miles and miles of dangers in search of liberty. They were simply victims of the circumstance like many other refugees, whose freedom at times seemed illusive.

Arriving Vietnamese Land People

Source: UNHCR

1975-76	1977	1978	1979	1980
6,985	802	2,617	4,262	4,942

1981	1982	1983	1984	1985
4,133	162	1,789	91	1,921

1986	1987	1988	1989	1990
2,126	1,473	2,560	2,387	887

1991	1992	1993	1994	1995-99
1,270	2,292	2,219	0	0

Note: These statistics fail to include many unfortunate refugees, who were murdered by armed bandits or died due to exploding land mines in their search for freedom.

[1] Approximately 265,000 refugees, mostly Sino-Vietnamese, had walked into China from Vietnam since 1978 when Hanoi and Beijing were trading political insults that eventually resulted in a brief border military clash on February 17, 1979. Those Asylees were encouraged to leave Vietnam by both Beijing and Hanoi. While Beijing acted like it was concerned for 'the interests' of ethnic Chinese in Vietnam by denouncing Hanoi's oppressive policies and publicly welcoming them back to 'the homeland,' Hanoi encouraged them to leave by offering easy access and unhindered transportation to the border. But as Sino-Vietnamese from across the country rushed to the border, Beijing

closed the door on them by requiring each new returnee to produce a repatriation certificate issued by the Chinese Embassy in Hanoi and a Vietnamese exit visa.
[2] Camp Northwest 9 was burned down in July 1981. In 1982, due to the urgent need to shelter Vietnamese land people, Camp Northwest 82 was assembled with military tents not too far away from the former Northwest 9 location.

III

International Responses to the Boat People Tragedy

'A humanitarian problem of historical proportions.'
'Special statement of the Tokyo Summit on Indochinese refugees' by Britain, Canada, France,
Italy, Japan,
United States and West Germany. *June 1979*



Mother Theresa was among those civic leaders
who publicly appealed to the world to help the boat people.

In response to the Vietnamese refugee tragedy, the peoples around the world staged one of the greatest rescue efforts in mankind history. The boat people's sufferings awoke human conscience and invoked individual compassion in the hearts and minds of citizens around the globe and led them to engage in a massive humanitarian campaign to assist Asylees in Southeast Asia. The boat people's sufferings also exposed the most inhuman and ugly side of power politics as played out by the superpowers and various governments in their attempt to circumvent international collective obligations. While individual citizens' endeavor to help the boat people was guided by compassion and humanitarianism, governments' policies lacked any clear direction and reflected bitter political bickering.

Hanoi's huge 'Vietnamese gulag'[\[1\]](#) and 'policy of genocide'[\[2\]](#) pushed millions of people to attempt seeking asylum overseas. Within eight months following the fall of Saigon, of the unknown Vietnamese escapees, 378 boat persons reached safety. In 1976, the number escalated to 5,569; in July of that year, the UNHCR issued its first appeal to the international community to help the boat people. A year later, 17,126 Vietnamese asylum-seekers arrived at various ports in Southeast Asia; and that number increased to 87,164 in 1978 and reached its peak at 201,189 in 1979. Michael Davie, Editor of The Age, asserted in October 1979 that: '.. the boat people are not merely another

desperate swarm of “displaced persons,” but the victims and indicators of a profound regional instability.[3]

Initial Worldwide Reception

‘A humanitarian problem of historical proportions.’
‘Special statement of the Tokyo Summit on Indochinese refugees’ by Britain,
Canada, France, Italy, Japan,
United States and West Germany. *June 1979*

Despite the urgent nature of the boat people tragedy, however, most governments’ pre-1979 reaction[4] was apathetic due to lack of leadership that was often provided by the United States during major humanitarian crises. The Wall Street Journal characterized this indifferent response to the Indochinese refugee tragedy during the early years as ‘a scandal in the house of decent men.’ The U.S. phlegmatic policy reflected the then ‘no more Vietnam’ attitude after the fall of Saigon in 1975. Washington adopted an ad hoc policy with no clear direction in dealing with Southeast Asian Asylee issue.

The U.S. Attorney General exercised his parole power designed for emergencies to admit and resettle the boat people. However, as the number of Vietnamese refugees increased, the newly-elected Carter Administration felt compelled to request additional parole authorizations even though the former Ford cabinet had indicated to Congress that the May 1976 parole for Indochinese refugees (mainly for Laotians) would be the last. The additional August 1977 parole for 7,000 Vietnamese and 8,000 Laotians could not cope with the continuing increase in the number of arriving boat people. And thus, on January 25, 1978, a new parole was again announced by the U.S. Attorney General. Notwithstanding the volcanic magnitude of the Indochinese refugee crisis, the U.S. government failed to develop an unambiguous policy to deal with this new and urgent development in Southeast Asia. The American lack of leadership led other governments to the same path in dealing with Indochinese Asylees. Washington wanted to internationalize the boat people issue so that other nations would jointly assist in the resettlement process; however, the U.S. lack of enthusiasm and halfhearted reception of refugees caused other nations to react in a similar fashion. Most governments were reluctant to get involved in what they viewed initially as an American problem brought about by the U.S. betrayal of its ally, South Vietnam. Therefore, by the early 1978, most nations had not resettled one single boat person; and the unsettled refugees quickly became a residual problem for first-asylum countries, which wanted assurance that ‘every single refugee would be resettled within a reasonable time.’[5] The apathetic government response during the initial years of the exodus eventually led to adverse consequences, including the first-asylum countries’ decision to withdraw their offer of temporary shelters for the boat people and to prolong the refugees’ detention prior to resettlement purposely to discourage potential Asylees from leaving Socialist Vietnam.[6]

With the exception of China, the communist camp accused the non-socialist world of 'pulling' the refugees out from Vietnam. Before the collapse of the Soviet Union in 1991, Moscow's official position was that the boat people tragedy represented a continuation of the Vietnam War. Beijing and Washington allegedly caused the exodus because of the refusal to recognize the reality of the 'new Vietnam.' China was blamed to have agitated Sino-Vietnamese with misinformation, and the U.S. was accused of exploiting the exodus to discredit Socialist Vietnam. Beijing allegedly portrayed the outflow as a consequence of Hanoi's 'racist' policies in order to hinder Vietnam's ideological reconstruction efforts. On the other hand, Washington deceptively commissioned warships to Southeast Asia supposedly to help the boat people but, in fact, such a campaign was aimed at encouraging more illegal escapes in order to promote antagonism among Asian states to retain the U.S. strategic influence in the region. Moscow stressed that the only solution to the refugee exodus lied with the eradication of the Chinese and U.S. propaganda war and 'pull' factors.

The United States rejected the Soviet accusation and cited Hanoi's human rights violations as the root cause of the boat people tragedy. At the U.N. conference on Indochinese Asylees in July 1979, Vice President Walter Mondale asserted that: '(Socialist Vietnam) is failing to ensure the human rights of its people. Its callous and irresponsible policies are compelling countless citizens to forsake everything they treasure, to risk their lives, and to flee into the unknown.' On the other hand, China cited Hanoi's 'policy of aggression and war' as the principal reason leading to the exodus. On June 16, 1979, a spokesperson for the Ministry of Foreign Affairs articulated Beijing's position: 'In the final analysis, the problem of Indochinese refugees has risen solely as a result of the fact that the Vietnamese government is pursuing a policy of aggression and war... they press-ganged their young people into serving as cannon-fodder and bled the people white. This has ruined the economy and made the people destitute. Consequently, large numbers of Vietnamese inhabitants have had to flee the country.'

While the superpowers and concerned states debated the cause of the boat people exodus and blamed each other for the on-going failure to formulate and implement an effective solution, few actions were undertaken to help Vietnamese refugees who continued to perish at sea in search of liberty. Bruce Grant, a diplomat, eloquently described this catastrophic situation in 1979:[\[7\]](#)

*'The story of the boat people exposes power politics in its most primitive form. While men and women of goodwill hopefully discuss the prospect in the last quarter of the twentieth century of a "new world order" or a "common heritage of mankind," **the boat people have revealed another side – the ruthlessness of major powers, the brutality of nation-states, the avarice and prejudice of people. At times, when telling the story of the boat people, it seemed that Indochina had become the vortex of all that is wrong with mankind...***

*... The ability of governments of the industrialized democracies to weep crocodile tears over the boat people, while doing little about the root causes of the exodus, has been notable. **The boat people have indeed made us all look again at ourselves and at the state of our world.'***

Unlike various governments' phlegmatic reactions fueled by political calculations, ordinary citizens and non-governmental organizations around the world were incredibly enthusiastic and wholeheartedly responsive in the campaign to evacuate and resettle the boat people. As early as 1977, the Roland was dispatched by the World Conference

on Religion and Peace (WCRP) to Southeast Asia to rescue refugee boats drifting at sea. Despite the UNHCR's characterization of the mission as 'misguided philanthropy,' the WCRP consisted of representatives from all major religions continued its humanitarian endeavor and eventually evacuated 300 Asylees. Malaysia refused to allow the Roland to drop off the refugees; and it took sometime to arrange for resettlement places before the Asylees could disembark in June 1977. The World Conference on Religion and Peace was not the only religious organization that commissioned ships to help the boat people, other notable contributions were from California-based World Vision International which sent the Seasweep to assist the encamped Asylees. The Seasweep was granted permission by Indonesia to ferry the refugees from isolated coves, where bad weather would effectively cut off their supply, to two centres on Jemaja Island. In July 1979, the Seasweep saved numerous refugees who were put on unseaworthy crafts and towed to international waters by the Malaysian Navy.

In Europe, Philosopher Jean-Paul Sartre appealed to the French government to help Vietnamese Asylees: 'Some of them have not always been on our side, but for the moment we are not interested in their politics, but in saving their lives. It's a moral issue, a question of morality between human beings.' The boat people tragedy brought many old adversaries together and facilitated the reconciliation of their conflicting views. On June 20, 1979, Jean-Paul Sartre smiled at and shook the hand of his long-time political opponent, Writer Raymond Aron, whose view he bitterly objected since the Algerian war. Jean-Paul Sartre's appeal on behalf of the boat people was joined by many other intellectuals, noticeably anti-war activist André Glucksmann who later opinionated in his book *The Discourse of War*: 'The Vietnamese refugees are the fall-out of two lines of warlike discourse... Both stem from Hegel - the communist thesis and the anti-communist thesis. They come to the same thing in the end.'

Médecins du Monde in Paris sent the Ile de Lumière to the Gulf of Thailand on a rescue mission and to provide medical care for encamped refugees on Bidong Island in 1979. The Ile de Lumière's endeavour was continued by the Alcune II in 1981, the Le Goela in 1982, the Jean Charcot in 1985, and then the Rose Schiaffino in 1987.

Under amounting public pressure, Italy commissioned two Navy cruisers and a supply vessel to evacuate and resettle up to 1,000 boat people in mid-1979. In West Germany, Ein Schiff fuer Vietnam (A Ship for Vietnam Committee)[8] was incepted in July 1979 and thereafter dispatched the Cap Anamur provided by Hans Voss, a generous benefactor, to the South China Sea to assist Vietnamese refugees. The German public donated more than 21 million Deutsche marks to the Cap Anamur's humanitarian projects in Southeast Asia. In April 1987, Ein Schiff fuer Vietnam, renamed Komitee Cap Anamur, combined its resources with Médecins du Monde and commissioned the joint French-German Ile de Lumière II - Cap Anamur III to continue its mission with the overseas Vietnamese community's generous financial support.

In 1988, Médecins du Monde with assistance from the overseas Vietnamese Boat People S.O.S. Committee sent out the Mary Kingston to the Gulf of Thailand to rescue and help the escaping Asylees. Over the years, the resettled Vietnamese refugee community tirelessly campaigned on behalf of the defenseless boat people. Countless events were held by Vietnamese students and other non-profit groups in Australia, Canada, Europe and the United States to gather donations and signatures for petitions to support the Asylees in Southeast Asia.

In North America, the boat people tragedy effectively split the old anti-war network. Unlike the French peace activists, notable American leftist intellectuals such as Noam

Chomsky and Frances Fitzgerald were incredibly silent on the Vietnamese refugee issue. As French philosopher André Glucksmann put it, 'Today the communist authorities drown other babies. Yesterday we protested. Today we are silent,' with the exception of folk-singer Joan Baez and 83 other peace activists, most U.S. anti-war intellectuals were strangely quiescent when it came to the boat people tragedy and Hanoi's human rights record.

In May 1979, Joan Baez published an 'Open letter to the Socialist Republic of Vietnam' co-signed by 83 other former anti-war activists criticizing Hanoi's serious violations of human rights: 'Thousands of innocent Vietnamese, many whose only crimes are those of conscience, are being arrested, detained and tortured in prisons and re-education camps... Your government has created a painful nightmare that overshadows significant progress achieved in many areas of Vietnam society.' In response, another faction within the former anti-war network quickly voiced its objection to Baez's letter. William Kunstler labeled Joan Baez a 'CIA agent' while Jane Fonda issued her own statement to denounce Baez: 'Such rhetoric only aligns you with the narrow and negative elements in our country who continue to believe that communism is worse than death.'

During the initial years of the boat people exodus, however, much of the credits had to be conferred to the voluntary agency International Rescue Committee, which worked dedicatedly and diligently to awake the American conscience to the Indochinese refugee tragedy. In light of Washington's lack of leadership, the IRC under Leo Cherne's leadership formed the Citizens' Commission on Indochinese Refugees in December 1977 to lobby the U.S. government and Congress to implement a generous policy to assist and resettle the asylum-seekers.

Following a fact-finding mission to Southeast Asia in early 1978, the Citizens' Commission whose membership included many prominent religious, civic and business leaders urged the U.S. government to admit more boat people while successfully dispelled fears of public backlash. The tragic flight of the Vietnamese boat people also attracted immense international press coverage. While the Times of London reported on the unknown thousands who perished at sea in early 1978, *The New York Times* declared in an editorial that 'Our Vietnam Duty Is Not Over' and publicly endorsed the Citizens' Commission's recommendations.

The African American leadership was also sympathetic to the boat people's cause. In a statement published in *The New York Times* on March 19, 1978, eighty-nine leaders of various African American organizations such as the National Urban League, the National Association for the Advancement of Colored People, etc., called upon the U.S. Administration and Congress to admit 'our Asian brothers and sisters in the refugee camps.' As a result of these efforts, the White House undertook a comprehensive review of its policy in this area; and consequently on March 30, 1978, it recommended the admission of up to 25,000 Indochinese refugees over a period of one year.^[9]

Thousands of encamped boat people also benefited greatly from the charitable services of many overseas Vietnamese and foreigners, one of whom was a devoted American Catholic priest named Joe Devlin. Father Devlin volunteered to come to Thailand and worked selflessly for the Asylees in Songkhla Refugee Camp and other centers. One of Father Devlin's noted accomplishments was his establishment of a day care for unaccompanied children in Songkhla Refugee Camp.^[10] In the words of popular Vietnamese author Nhật Tiến, who observed the American priest's affection for the boat people, Father Devlin 'shares in the grief, the pains, the distress of a people who experienced the sudden and violent fall of the entire free Vietnam of the South.' Father

Joe Devlin was one of countless volunteers who spent time to help the encamped Asylees in Southeast Asia, and the Vietnamese people are indebted to their selfless dedication.

[1] A term coined by France's *Le Monde*, once a staunch supporter of Hanoi's military cause in South Vietnam.

[2] Hanoi's policy toward Vietnamese refugees was compared to Hitler's systematic murder of the Jews by Filipino Foreign Minister Carlos Romulo, who characterized it as 'another form of inhumanity, equal in scope and similarly heinous' to the holocaust, at the ASEAN annual meeting in February 1979. His Singapore's counterpart Sinnathamby Rajaratnam publicly characterized Hanoi's strategy toward the boat people as 'a poor man's alternative to the gas chambers is the open sea.'

[3] Bruce Grant, *The Boat People: An Age Investigation*, Penguin Books, Melbourne 1979.

[4] Before Hanoi's organized trade of ship people was exposed.

[5] According to Malaysian Deputy Prime Minister Mahathir Mohamad.

[6] Singapore's Prime Minister Lee Kuan Yew even used the 'pull' side of the '*push-pull*' theory to argue that it was cruel to shelter the arriving boat people because such a welcoming act would encourage more departures. However, there is also the 'push' factor in the '*push-pull*' theory: the boat people were forced to leave by Hanoi's ideological policies. Any effective strategy to deal with the boat people crisis would have to take into consideration both factors. (See Chapter IV on the '*push-pull*' theory).

[7] Bruce Grant, *The Boat People: An 'Age' Investigation*, Penguin Books, Middlesex, England 1979, at pp.195-197.

[8] Between 1979 and 1988, over 13,000 Vietnamese boat people were rescued by the Cap Anamur endeavor.

[9] This parole for 25,000 Indochinese refugees was not finalized until June 1978 due to financial constraint.

[10] Nhat Tien, Duong Phuc, Vu Thanh Thuy, *supra*, at p. 93.

Hanoi's Trade in Human Misery



'Ship people' were crammed into Hanoi's rusty vessels and sent out to neighboring states.

The Communist Party of Vietnam's post-1975 policy, as previously discussed in Chapter I, was to isolate and expel between 2 million to 3 million Vietnamese of diverse backgrounds in order for the new regime to achieve political stability in the South. Hanoi's Deputy Foreign Minister Phan Hiền told the Swedish delegation to the U.N. conference on Indochinese refugees in Geneva in July 1979 that some 3 million South Vietnamese, who had become accustomed to political freedom and economic autonomy, might have to leave Socialist Vietnam; and this position was confirmed later by Foreign Minister Nguyễn Cơ Thạch in a UPI interview in August 1979 (up to 3 million would escape 'depending on the political situation')[1] and during a discussion with Daniel K. Akaka, a member of the U.S. House of Representatives delegation headed by Benjamin Rosenthal visiting Hanoi for two days in 1979.

During the implementation stage of this inhumane policy, beside relaxing border patrol and disseminating misinformation to induce dissidents to leave, the Communist Party also recognized in early 1978 that the regime could get at the hidden assets of affluent Vietnamese and ethnic Chinese by arranging and guaranteeing safe passages to freedom for them. Dazzled by the South Vietnamese wealth uncovered during two

previous raids on the private sector, the communist leaders in Hanoi hastily ordered the Interior Ministry to work with international racketeers to organize human cargoes to be freighted out in exchange for gold and hard currencies.

Hanoi's trade in human misery reserved its privileged exit permits for ethnic Chinese.^[2] Affluent Vietnamese were required to pay much higher prices for access to government-guaranteed safe passages to freedom. Project 'freedom for sale' was born out of greed and during a period wherein various Southeast Asian governments such as Malaysia and Thailand pronounced a policy of tolerance that would accept to shelter all asylum-seekers on humanitarian grounds; one of the factors that induced the new compassionate policy was international public outcry over the pirates' brutal attacks on the helpless boat people.

The 12-month period between the fall of 1978 and mid-July 1979 witnessed, along with the endless 'illegal' exodus, Hanoi's involvement in shipping out human cargoes of ethnic Chinese and affluent Vietnamese in a tightly controlled but poorly executed scheme.^[3] In June 1979, Singapore's Foreign Minister Sinnathamby Rajaratnam accused Vietnamese communists of having 'picked on' Chinese Vietnamese 'because they know that almost all ASEAN countries have delicate problems with their Chinese minorities. The massive unloading of Chinese refugees onto these countries can only exacerbate racial sensitivities and, if the flow is sustained long enough, lead to racial warfare which could tear these societies apart quicker and far more effectively than any invading Vietnamese army. In no time ASEAN prosperity, stability and cohesion would vanish into thin air and conditions of life would soon be on par with those now prevailing in Indochina.'

Hanoi's Interior Ministry was actively involved in organizing human cargoes to be freighted out in 1978 and 1979. Its plain clothed officers retained the service of civilian agents as intermediaries to recruit Chinese passengers and wealthy Vietnamese for Hanoi's 'freedom for sale' project. Ethnic Vietnamese were charged higher exit fees (as high as 50% more) than the fares paid by Chinese voyagers. Hanoi-sponsored departures took place in many locations including **Long Thành, Đà Nẵng, hải Phòng, Rạch Giá, Trà Vinh and Vĩnh Long**. When the CPV's 'freedom for sale' project was in full operation, the regime began to clam down hard on non-official or so-called 'illegal escapes' in order to secure its profitable monopoly in the refugee trade.^[4]

Before Hanoi began to collaborate with overseas Chinese racketeers to 'traffic in human misery'^[5] in mid-1978, almost all boat people who arrived safely at any port could request assistance and a temporary shelter pending resettlement with little resistance from the local communities.^[6] In fact, many neighboring villagers opened their arms and heart to assist Vietnamese asylum-seekers with compassion. However, all this quickly changed as soon as Hanoi organized the shipments of ethnic Chinese on huge ships in exchange for gold and hard currencies. The ethnic-Chinese or ship people factor began to emerge in mid-1978 and magnified the complexity of the Vietnamese boat people crisis.

As a consequence of Hanoi's sanctioned ship people phenomenon, the neighboring communities and governments became antagonistic and subsequently treated all arriving boat people with serious hostility. Refugees from Socialist Vietnam, whose composition included about a quarter of ethnic Chinese,^[7] were no longer offered assistance and direction by the local people who historically resented the Chinese presence in their countries. And worse, there were many instances, especially in Malaysia, in which the boat people were stoned and beaten by the local villagers. The

number of Vietnamese escapes, however, did not cease but continued to rise despite the high risks of death at sea, of rape and pillage by pirates, and the maltreatment administered by neighboring states. In the New Year message for 1979, Singapore's Prime Minister Lee Kuan Yew appealed to leaders around the globe to 'register their outrage' at Hanoi's trade in human misery.

'The latest exodus of "boat people" and "ship people" is the result of acts of cold calculation, measured in gold, and long after the heat of battle has cooled. What is ominous is that unless world leaders and leader-writers register their outrage at this cynical disposal of unwanted citizens, many more victims will be sent off on packed boats or ships.'

[1] UPI report. Quoted in Barry Wain's 'The Refused: The Agony of the Indochina Refugees,' supra, at p.231.

[2] This priority was set partly due to the on-going conflict between Hanoi and Beijing at that time. Hanoi was undoubtedly skeptical about a potential fifth column, but greed was the real cause that gave rise to project 'freedom for sale.'

[3] There was a serious lack of coordination in the implementation of Hanoi's 'freedom for sale' project at the local level. Almost all boats were required to carry more than the officially endorsed number of passengers; and many organized departures were intercepted by different regional security offices, whose cadres quickly took advantage of the lawless situation and robbed the passengers of their valuables.

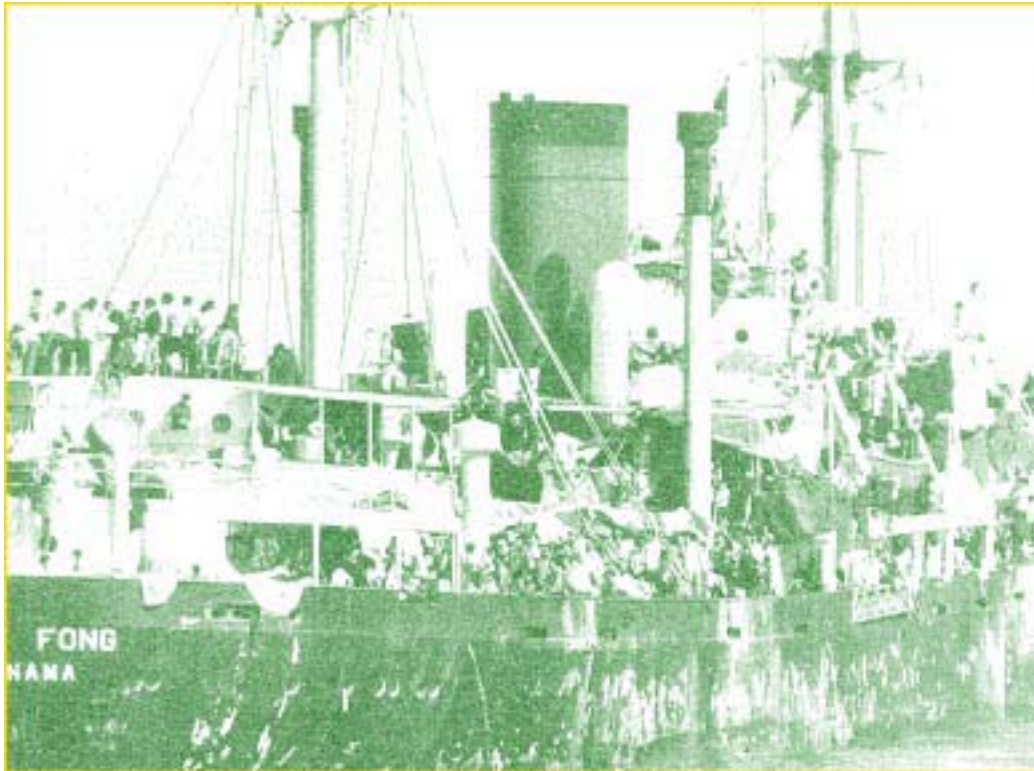
[4] According to Foreign Minister Nguyễn Cơ Thạch's remark to the visiting U.S. House of Representatives mission headed by Benjamin S. Rosenthal in early August 1979, Hanoi successfully prosecuted 4,000 cases of illegal escapes during the first 7 months of 1979 (at the peak of Hanoi's export of human cargoes). This assertion translated into tens of thousands of prisoners, who were caught during their failed escapes, because most unofficial secret escapes could rarely involve more than a few dozen asylum-seekers.

[5] A phrase coined by Hong Kong's Chief Secretary Sir Jack Cater ('those who traffic in human misery').

[6] Before Hanoi's trade in human misery in mid-1978, Malaysia and Thailand occasionally turned refugee boats away but often allowed landing for most boat people on unseaworthy crafts; and in reality, the majority of refugee boats from Socialist Vietnam were unseaworthy. The temporary first-asylum policy was greatly appreciated by the boat people in light of the fact that in the 1970s, no country in Southeast Asia was a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or the 1967 Protocol Relating to the Status of Refugees. *(The Philippines ratified these documents in July 1981, and consequently its treatment of Vietnamese Asylees in the late 1980s was slightly better than that of neighboring states.)*

[7] Bruce B. Dunning, *Vietnamese in America: The Adaptation of the 1975-1979 Arrivals*, in *Refugees As Immigrants*, Ed. by David W. Haines, Rowman & Littlefield Publishers, Inc., New Jersey 1989, at p.60. Furthermore, most Sino-Vietnamese or ship people left in larger crafts and old foreign-registered ships operated by overseas Chinese racketeers under contract with Hanoi between mid-1978 and late 1979.

Huge Human Cargoes On Rusty Ships



In December 1978, the rusty Huey Fong commissioned by the Vietnamese communist regime and piloted by international *(Hong Kong Government Information Services)*

Hanoi's first major venture in exporting the 'ship people' occurred in the fall of 1978.^[1] A 51-year-old Singaporean businessman named Tay Kheng Hong was among the key players in Hanoi's grand scheme. He was trapped in Socialist Vietnam after 1975 and was not allowed to leave for Singapore until April 1978 perhaps to preparing logistics for the subsequent refugee trade. In June, Tay began to work with his crony, 54-year-old Son Ta Tang who was still in Ho Chi Minh City, to arrange for a shipment of selected Chinese and wealthy Vietnamese from Socialist Vietnam.

An old ship, the Southern Cross, was retained to sail from Singapore on August 24, 1978 supposedly to Bangkok to pick up a cargo of salt. The freighter quickly changed course and headed directly to Ho Chi Minh City port, where it was warmly welcomed by the communist authorities. Instead of a cargo of salt, the Southern Cross collected 1,250 passengers, who paid between 6 to 8 taels of gold to Hanoi for their exit permit and 1 to 2 taels to the crew for their voyage to freedom. (A tael of gold is approximately 1.21 ounces and was worth about U.S.\$350 in August 1978, and its price jumped almost three times a year later).^[2] The Southern Cross left Socialist Vietnam with Hanoi's red flag hung atop and under the guidance of an official pilot boat.

Before embarking for the open sea, the freighter sent out a cable for help because it just 'picked up' hundreds of Vietnamese refugees in international waters. Malaysia was suspicious and did not allow the ship to enter its port. Similarly, Singapore refused to grant the Southern Cross permission to unload its human cargo. Eventually, on September 21, 1978, the Southern Cross dumped its passengers on Pengibu Island, an uninhabited isle in Indonesian waters. The UNHCR intervened and pressured Jakarta to provide temporary asylum for the voyagers while it worked to process and resettle them at a remote island known as Bintan south of Singapore.

The Southern Cross success led Hanoi's officials and Tay Kheng Hong to begin work on another joint venture just a few weeks later. On October 15, 1978, the 30-year-old decrepit Golden Hill, bought for U.S. \$125,000 and renamed Hai Hong, was commissioned to leave Singapore for Hong Kong purposely to be scrapped thereafter. As in the case of the Southern Cross, the Hai Hong headed directly to Vietnam's Cape Vŭng Tàu where it expected to collect 1,200 passengers. However, Tay was cheated by Hanoi this time; and the Hai Hong was forced to pick up 1,300 additional voyagers free of charge. Tay had no choice but to accept the CPV's ultimatum because otherwise his freighter would be grounded, and his investment would vanish into thin air.

On October 24, 1978, the Hai Hong collected 2,449 passengers including Tay's crony, Son Ta Tang, and left Vietnam for Hong Kong. Typhoon Rita ravaging the South China Sea at the time diverted the ship's course toward Indonesia. Jakarta suspected that the Hai Hong was carrying a massive human cargo and thus ordered the vessel to leave its territorial waters. The freighter set sail for Malaysia but could not get permission to disembark. The rusting vessel then tried to depart Port Klang for Singapore but could barely leave Malaysian waters.

In the mean time, intense investigations into the Southern Cross, the Hai Hong and similar ventures conducted by concerned governments from Kuala Lumpur, Jakarta to Canberra, Washington revealed that the communist government of Vietnam was trafficking in its own citizens in exchange for gold; and Hanoi's 'traffic in human misery' threatened to jeopardize the entire boat people protection and resettlement program. Previously, most refugees who reached freedom on small boats were offered temporary shelter pending resettlement in countries of final asylum. In cases involving huge ships such as the Southern Cross and the Hai Hong, the request for refugee protection by the passengers on board was questioned by many policy makers including those with the UNHCR. How could those ship people be qualified as refugees in order to receive protection and care at the expense of the international community when they left Socialist Vietnam by open arrangement and with Hanoi's assistance and assurance? A claim of fear of persecution as defined by the Convention Refugee definition could hardly be asserted by those passengers, who were ferried by communist officials to board big boats and ships such as the Southern Cross and the Hai Hong.

Australia demanded that the Hai Hong venture and similar undertakings had to fail; otherwise, there was no way to stop Hanoi's active role in the trafficking of its citizens.^[3] Michael MacKellar, Minister for Immigration and Ethnic Affairs, stated: 'We now have the first indications that unscrupulous people are attempting to profiteer in the present Indochinese refugee situation... Australia has played a major part in accepting many thousands of genuine refugees, but I give strong warning that we shall not accept cases involving subterfuge.' Indonesia, Malaysia and other Southeast Asian countries shared Australian view on the issue.

Initially, the UNHCR was considering the possibility of classifying the Hai Hong passengers as illegal immigrants. However, as the passengers' health declined due to poor living conditions on the rusty freighter, humanitarianism and emotionalism replaced legalism and rationalism and forced the UNHCR to declare publicly that it 'considered them (the Hai Hong passengers) refugees.'

The Hai Hong saga ended in November 1978, but Hanoi's 'freedom for sale' project did not cease with this incident because the Vietnamese Communist Party refused to give up lucrative dividends from its minimal investment in the trade in human misery, especially when the international community was still paralyzed by the initial shock. In subsequent months, Hanoi sent out many human cargoes often consisted of a few hundred fare-paying passengers or less; however, there were also several huge cargoes that contained thousands of voyagers on foreign-registered rusty ships, and these massive charter departures eventually sparked severe international condemnation. In December 1978, the Huey Fong showed up in Hong Kong harbor with 3,318 refugees.^[4] Three days later, the Tung An ferried a human cargo consisted of 2,318 Asylees to the Philippines. Two months later, Hong Kong saw another delivery of 2,651 ship people on the Skyluck, which earlier dropped 600 Asylees on Palawan Island in Filipino waters. On May 26, 1979, the Sen On, also known first as the Kina Maru and then the Seng Cheong, ran aground on Lantau Island of Hong Kong with 1,433 ship people.

Hanoi's collaboration with international syndicates to 'traffic in human misery' did not end until the international community voiced its strong objections and the overseas racketeers were threatened by their governments to disengage therefrom or else face severe criminal and financial punishments. Hsu Wen-hsin, captain of the Huey Fong, his 6 officers and 4 business associates were indicted on human trafficking charges by the Hong Kong government as the vessel was allowed entry on January 19, 1979.^[5] Hsu, his six officers and one of the four businessmen were eventually convicted and received jail sentences totaling more than 60 years. The Hong Kong government also dealt with the Skyluck operators in the same fashion by putting Captain Hsiao Hung-ping and his 4 officers on trial for conspiracy in February 1979. The same consequence faced the crew of the 387-ton Sen On; four individuals were convicted on charges of assisting illegal aliens to enter the colony. In the Philippines, the Tung An owner was fined for violations of immigration law. Malaysia detained Serigar, captain of the Hai Hong, and the voyage's organizers Tay Kheng Hong and Lee Sam by using the Internal Security Act of 1960 that permitted incarceration without trial. Singapore apprehended Allan Ross and Chong Chai Kok for their part in the Southern Cross and the Hai Hong ventures. The Singaporean government also cancelled the employment permit of Captain Sven Olof for his active involvement in the Southern Cross voyage.

Concerned countries promptly shared intelligence regarding potential refugee racketeers in order to stop their operations during the embryonic stage.^[6] Ship owners and representatives, who were planning to 'traffic in human misery,' would be called in and warned about the dire consequences of such ventures. Singapore successfully crushed an international ring involving 4 local Chinese, 2 Taiwanese and a Sino-Indonesian, who were contemplating to pick up human cargoes from Socialist Vietnam with the 'complicity of Vietnamese authorities' on the 3,500-ton Tonan Maru.

Another plot reportedly using the Lucky Dragon in February 1979 was aborted because Hong Kong quickly and effectively disseminated intelligence. The daily South China

Morning Post quoted Hong Kong's Director of Information Services, John Slimming, as saying: 'There are reasons to suspect that this ship may be planning a rendezvous in Vietnamese waters to pick up fare-paying passengers.'^[7]

The case involving the Sea View was more interesting because, as soon as Hong Kong received information that the Sea View was anchoring 16 miles up the main channel of the Saigon river in June 1979, Hanoi's chargé d'affaires Lê Kỳ Giai in London was summoned by the Foreign Office to hear the British government's objection to the CPV's role in exporting Vietnamese citizens. Giai disputed the allegation but the British tactic worked. On July 13, 1979, the Sea View was forced to sail from Socialist Vietnam with an emptied cargo.

As a result of these collective efforts by various governments, the Vietnamese communist regime was effectively prevented from profiting from the boat people tragedy. While severely penalizing all racketeers who picked up Hanoi's human cargoes, the international community successfully applied diplomatic pressures on the CPV to suspend the export of human misery.

^[1] Intelligence sources provide photographs of a shadowy character named 'Mr. Lee' who was used by Hanoi as one of the principal intermediaries to deal directly with foreign organizers in its 'freedom for sale' project. Lee speaks Vietnamese, Mandarin, Fukien fluently and a bit of Cantonese.

^[2] Gold price tripled from U.S. \$275 per ounce to U.S. \$850 per ounce in 1979 and 1980.

^[3] In Australia, an odd coalition of leftists, political conservatives and racist activists was formed to denounce the arrival of boat people, who were unfairly branded as unwanted lazy elements. Ironically only a decade later, these very same boat people, many of whom were intellectuals and affluent Vietnamese, quickly established themselves and became prominent in the Australian business and political arenas. The first Vietnamese refugee boat that reached Australia directly is the Kiên Giang registered as KG 4435 operated by 25-year-old Lâm Bình and carried four additional young men.

^[4] Hong Kong police searched and found 3,273 taels of gold worth more than HK\$6.5 million on the Huey Fong. It is estimated that the Hanoi regime received at least 4 to 5 times this amount of gold before allowing the Huey Fong to depart Vietnamese waters.

^[5] The Hong Kong government amended the Merchant Shipping Bill, the Immigration Bill and other bills in 1979 to increase incarceration time (up to 4 years) and financial penalty (from \$40,000 to \$1 million) to deal with ship masters and owners, whose vessels carried illegal immigrants or excess non-shipwreck passengers, or whose vessels were abandoned in Hong Kong waters 'without reasonable excuse.' Refugee racketeers were considered to be in the same category as drug traffickers.

^[6] Hong Kong's secret Refugee Ship Unit under Tim Frawley's command was active in gathering and disseminating intelligence concerning Hanoi's collaboration with overseas Chinese racketeers. The RSU was set up in February 1979 with the sole mission of stopping organized refugee shipments from Socialist Vietnam.

^[7] South China Morning Post, March 2, 1979.

Detrimental Impacts Of Hanoi's Human Cargoes



The Vietnamese communist government's active role in trafficking its own *'unwanted'* citizens began to jeopardize the entire boat people protection and resettlement program commencing with various official protests and then Malaysia's proposed 'shoot on sight' legislation against all arriving refugees on June 16, 1979.^[1] During the initial months of the exodus, Malaysia started out with a more humane policy by providing temporary shelters for the boat people. Local villagers also helped the arriving refugees with foods and accommodation. Before Hanoi's trade in human misery in mid-1978, Kuala Lumpur rarely turned untrustworthy refugee boats away; and those seaworthy crafts, which were occasionally required to depart, received supply of food, fuel and fresh water. In March 1978, Home Affairs Minister Tan Sri Ghazali told Parliament that his government continued to admit the boat people on humanitarian and compassionate grounds although it did not consider them 'refugees.' A refugee was anyone who, in accordance with his definition, fled from an ongoing war; and Socialist Vietnam was no longer a theatre of war. Thanks to Malaysia's liberal policy that allowed refugee crafts to disembark, many boat people were granted temporary asylum pending eventual resettlement.

In late 1978, however, Kuala Lumpur changed its position due to the fear of a Hanoi-sponsored Chinese invasion. The arrival of the Hai Hong's huge human cargo of Chinese ship people in Malaysian territories in November 1978 caused grave concerns in various political circles; and criticisms of the government's humanitarian policy grew, especially from the opposition party Partai Islam. In Parliament, the politicians' express concern

was focused on the arrival of Chinese ship people on huge vessels organized by Hanoi and its overseas racketeers, instead of the sporadic arrival of Vietnamese refugees on small boats.

The Malaysian authorities eventually decided to prevent all fragile boats to reach shore and, at times, ordered the navy to pull 'seaworthy' crafts outward to international waters. The embargo led many asylum-seekers to engage in the very dangerous tactic of scuttling their own boats a few hundred feet from shore in order to sink the crafts and force everyone to swim to the nearby beach. This desperate act caused the drowning of numerous weak women, young children and men, who did not know how to swim or had become too exhausted to stay afloat. Initially, those beach people who successfully sneaked in pass the patrol vessels and camped on the beach after sabotaging their crafts were allowed temporary asylum. Later on, however, Kuala Lumpur threatened that it would no longer shelter the boat people and would take necessary measures to forcibly evict the existing 76,000 Asylees. On January 15, 1979, Prime Minister Hussein Onn declared that Malaysia effectively closed its doors to all arriving refugees. In the subsequent month, he stated: 'We have already given notice to the United Nations and other countries on this as we do not have any more space on our island camps... so we will chase them away if they try to land.'^[2] Between February and June 1979, more than 5,000 Asylees or 50% of the so-called beach people held at gunpoint were put on vessels and towed out.

A task force, the VII (Vietnamese Illegal Immigrants), was incepted to find ways to prevent the boat people's arrivals and to resettle those already in refugee camps. Malaysian fishermen were advised to paint a large encircled P on their vessels' roof to distinguish their crafts from incoming refugee boats. On March 31, 1979, Malaysian patrol ship Rrenchong towed a refugee boat, the MH-3012, out to international waters at high speed and caused it to roll over. More than 115 people died as a result of this inhumane conduct. A UNHCR report later found: 'The Vietnamese boat (the MH-3012) was in very bad condition, water pump was broken and engine could not be started. No water was available... a baby was born on board in the meantime... All the facts were known to the (Malaysian) naval officers who had been on board.'

In a period of three months from March to May 1979, Kuala Lumpur reportedly expelled by force more than 26,000 arriving refugees on 186 boats.^[3] In June 1979, Home Minister Tan Sri Ghazali Shafie stated that approximately 40,000 refugees on 267 boats were towed out of Malaysian waters, and Kuala Lumpur had established 100 observation stations and committed more vessels as well as 2,000 soldiers to its campaign to push back the refugee tide. Fortunately, most ejected boats were allowed to disembark in Indonesia; otherwise, the world would likely witness a new holocaust at sea.

The local Malays did their part in the eviction of Vietnamese Asylees; for instance, in Kuala Trengganu on November 22, 1978, furious villagers pushed a refugee craft outward and caused it to capsize and the eventual drowning of nearly 200 boat people. Malaysia was not alone in stopping and expelling all arriving Asylees. Thailand, Indonesia and Singapore also maintained naval blockades to prevent the arrivals of Chinese ship people and, in the process, also Vietnamese boat people.

The anti-Chinese sentiment was more obvious in Indonesia. Between 1975 and 1978, Jakarta's policy toward Vietnamese refugees was relatively humane. The boat people were offered temporary shelter pending overseas - but not local - resettlement. In response to Hanoi's export of ethnic Chinese in exchange for gold, this compassionate

position was reversed quickly because Jakarta was extremely sensitive with the ethnic Chinese equation. Indonesian history included a Beijing-encouraged communist coup in 1965 that eventually led to the mass killings of tens of thousands of local Chinese. In 1978, Beijing's provocative objection to Hanoi's treatment of ethnic Chinese caused even more concerns for Jakarta, which saw Beijing's policy as a time bomb for extraterritorial intervention.

The Indonesian position in June 1979 was therefore categorically clear; Defence Minister Mohammed Jusuf declared: 'We are not going to allow any more refugee to land in our country.' Operation Lightning Bolt was implemented to block the boat people from entering Indonesian waters. Despite the new hard-line policy, however, Jakarta still permitted the disembarkation of refugee boats that were forcibly expelled by neighboring states. Thanks to this compassionate and pragmatic approach, an 'Asian holocaust' at sea was effectively avoided.

In Thailand, Bangkok initially decided not to accept any refugee in 1975. Political Asylees from Cambodia and Vietnam would be given minimal assistance and then deported. The Operations Centre for Displaced Persons was created in the Ministry of the Interior to monitor the refugee developments in order to formulate strategies aimed at preventing the Asylees' arrival.

In March 1978, Prime Minister Kriangsak pronounced a new policy that would admit all Indochinese Asylees on humanitarian grounds. But just a few months later, as Hanoi's 'freedom for sale' scheme began to surface, the new policy was quickly suspended. Bangkok started threatening to close its refugee camps and expel all boat people from its soil.

To add more fuel to the fire that was burning off compassion for Vietnamese refugees, Deputy Secretary General of the National Security Council Prasong Soonsiri incited fears by suggesting, without a shred of evidence, that at least 10% of the boat people were Hanoi's spies.^[4] In November 1978, Prime Minister Kriangsak confirmed his government's hard-line policy with a reporter of the Bangkok Post: 'If any boat needs repairs this will be permitted, but it will have to leave with the refugees as soon as repairs are completed,' and no Asylees would be allowed to land.^[5] The navy was ordered to conduct joint operations with its Malaysian counterpart to keep Hanoi's human cargoes and Vietnamese refugee boats at bay.

Philippines also changed its past humanitarian policy and adopted a tough position against the arriving Asylees, who would be granted entry only with guaranteed resettlement places. Foreign Minister Carlos Romulo stated categorically: 'We don't want anymore refugees. The situation is getting worse every time.'^[6] In April 1979, Manila effectively eliminated its compassionate policy.

Singapore previously granted residency to 200 Asylees from Vietnam in 1975 but subsequently undertook a firm anti-refugee position once faced with the boat people exodus. Prime Minister Lee Kuan Yew coldly expressed: 'You've got to grow callouses on your heart or you just bleed to death.' Therefore, no refugee was allowed to enter Singapore unless he (she) was rescued by a foreign ship whose country guaranteed his (her) quick resettlement and the UNHCR would agree to pay his (her) living expenses. In early October 1979, Singapore prescribed new conditions requiring that the number of boat people in Singapore at any one time could not exceed 1,000 and the refugees had to be resettled within 90 days, failure of which would subject the guaranteeing countries to a system of penalties.^[7] This policy drew protests from the UNHCR and severe criticisms from other governments.

International law has long recognized the duty to help victims in distress at sea,^[8] and this duty is closely related to the non-refoulement principle prescribed by the 1951 United Nations Convention relating to the Status of Refugees:

'No Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.' (Art. 33)

Singapore's anti-refugee policy therefore penalized ship captains, who had to weight between the time-honored code of chivalry at sea (to assist boaters in distress) and the huge cost of such heroic acts. Unfortunately, the huge cost factor often caused marine masters to ignore calls for help from the refugees at sea; according to reliable shipping sources in Singapore in mid-1979, certain owners reportedly instructed their captains to avoid assisting desperate Asylees in danger at sea.^[9] Singaporean Navy also ruthlessly blocked all refugee crafts from reaching its shore. In February 1979, the interception of the Vietnamese boat SB-001 by two Singaporean patrol vessels caused the death of two refugees; eventually, the SB-001 was forced to leave for Malaysia.

On February 17, 1979, Singapore's Foreign Minister Sinnathamby Rajaratnam articulated his country's position on the boat people tragedy in a speech as follows:

'The flow of boat people poses the non-communist world, including the ASEAN countries, with a moral dilemma. We could respond on humanitarian and moral grounds by accepting and resettling these desperate people. But by doing so we would not only be encouraging those responsible to force even more refugees to flee but also unwittingly demonstrate that a policy of inhumanity does pay dividends. Not only that, but those countries which give way to their humanitarian instincts would saddle themselves with unmanageable political, social and economic problems that the sudden absorption of hundreds of thousands of alien peoples must inevitably bring in its wake.' Due to Hanoi's collaboration with international racketeers to 'traffic in human misery,' the boat people were treated with unfounded animosity. Neighboring states that previously offered temporary shelters began to treat Vietnamese asylum-seekers with indifference and, at times, deadly hostility. The brutalities faced by the boat people at sea and on land led the UNHCR - under severe pressures from the U.S. and ASEAN nations at the time - to call for the 'Consultative Meeting with Interested Governments on Refugees and Displaced Persons in Southeast Asia' on December 11 and 12, 1978. Representatives from 38 nations attended this 'Consultative Meeting' in Geneva but failed to find a durable solution to the refugee crisis.

The UNHCR Deputy High Commissioner Dale DeHaan concluded: 'there can be no humane or durable solutions unless governments grant at least temporary asylum in accordance with internationally accepted humanitarian principles.. (and) temporary asylum depended on commitments for resettlement in third countries and the avoidance of residual problems in the area.'^[10] Despite this insight, no substantial advancement was made to resolve the Indochinese refugee crisis. While Hanoi's representative Võ Văn Sung continued to deny the Vietnamese Communist Party's role in the trafficking of human cargoes, other countries offered \$12 million to the UNHCR humanitarian operations and only 5,000 additional resettlement places or 'a drop in the ocean' according to the Malaysian delegation.

Thereafter, as the boat people tragedy deteriorated further with the implementation of hard-line policies by various Southeast Asian states, the United Nations called the first international conference on Indochinese refugees in July 1979 in an attempt to resolve

this growing humanitarian crisis. U.N. Secretary General Kurt Waldheim urged all nations, except Laos and Cambodia,[\[11\]](#) to attend the 2-day ministerial meeting in Geneva by expressing in his invitation that: 'Although there are very many serious refugee problems in other parts of the world, the alarming proportions of the crisis in Southeast Asia require immediate and special attention.'

- [1] Malaysia's Deputy Prime Minister Dr. Mahathir bin Mohamad reportedly suggested that 'shoot-on-sight' legislation should be passed to prevent the boat people arrivals.
- [2] 'Government to step up sea patrols to prevent refugee influx,' FBIS APA 25, February 5, 1979, at p.2 (from Hong Kong, Agence France-Presse, February 2, 1979).
- [3] March 1979: 5,088 Asylees on 29 boats; April 1979: 7,412 Asylees on 71 boats; May 1979: 13,462 on 86 boats.
- [4] Bangkok deliberately wanted to include its own Thai-born Vietnamese residents, whom it considered a constant threat to national security, in the boat people equation in order to deport them.
- [5] Eventually, Thailand developed its own deterrence policy: resettlement opportunities for refugees would be severely restricted to reduce the 'pull' factor.
- [6] 'Minister opposed to more Vietnamese refugees,' FBIS APA 069, 9 April 1979, at p.P1 (from Hong Kong, Agence France-Presse, April 6, 1979).
- [7] Furthermore, any ship carrying rescued boat people without guaranteed resettlement places had to post a bond of Singaporean \$10,000 or U.S. \$4,665 for each refugee before its cargo could be unloaded in Singapore.
- [8] The 1910 Brussels International Assistance and Salvage at Sea Convention, the 1958 Convention on the High Seas, and the 1960 London International Convention for the Safety of Life at Sea. See also J. Pagash, 'The Dilemma of the Sea Refugee: Rescue Without Refuge,' 18 Harvard Int'l L.J. 577.
- [9] Japanese ships regularly ignored the boat people's call for help because Tokyo refused to offer resettlement for rescued Vietnamese refugees; most first-asylum countries, on the other hand, denied permission for ships carrying refugees to disembark if their resettlement could not be guaranteed.
- [10] 'Consultative Meeting with Interested Governments on Refugees and Displaced Persons in Southeast Asia' Summing-Up by UNHCR, Paragraph 5(i).
- [11] Even though the 'Indochinese refugees' crisis directly affected the affairs of Laos and Cambodia, these two nations were excluded in order not to offend their respective backer, Hanoi (*assisting the governing regimes*) and Beijing (*assisting the armed opposition*).

The First International Conference On Indochinese Refugees



The boat people's sufferings invoked bitter memories about the tragic fates of innocent Jewish refugees during World War II. The international press began to report on the dreadful journey of Vietnamese Asylees, who had become defenseless victims of the 'Asian holocaust' in the eye of many observers. Numerous humanitarian agencies actively called on world leaders to take immediate actions to assist and resettle the boat people to prevent the reoccurrence of another holocaust.

While Terence Cardinal Cooke of New York on behalf of 100 million Jews and Christians asked the U.S. and U.N. to help Vietnamese Asylees, Chair of the Commission on the Holocaust Elie Wiesel expressed outrage '.. at the sight of people set adrift with no

country willing to welcome them ashore. We are horrified at the imposition of quotas which exclude women and children in the full knowledge that such a policy of exclusion can be a sentence of death.'^[1] Many U.S. lawmakers such as Senator Dole, Boschwitz and Hayakawa, and Congressman McCloskey also voiced their concern over Washington's lack of leadership. Representative Stephen Solarz urged the administration to admit more boat people:^[2]

'It would be nice if the government of (Socialist) Vietnam were not the government of Vietnam and it had the kinds of policies which enabled these people to remain, but it is what it is, and we have got to deal with the subsequent realities. In the 1930's somebody might have said that Nazi Germany should change its policies to accommodate the needs of the Jewish people in Germany so that they would not want to leave, but the reality of the situation was that the Nazis were not about to change their policy, and the only real question (is).. whether we were going to open our doors to the people who were desperate to get out.'

Under mounting public pressure, the White House gradually realized the need to provide leadership to the international community in dealing the Indochinese refugee crisis. Washington recognized that the prestige of leadership came with a price, i.e. unless the American government undertook an active role in assisting and resettling the boat people, the U.S. could not use its influence to attract international interests to resolve this humanitarian crisis and other subsequent gigantic challenges. A new policy began to gain more support within the Carter Administration; it called for the punishment of Hanoi for its inhumane policy^[3] and the involvement of the international community in a joint effort to find a durable solution to the refugee problem in Southeast Asia.

In the spring of 1979, out of the fear that continuing inaction would eventually bring about a holocaust at sea, the U.S. officiated its leadership in the endeavor to help Indochinese Asylees. In his warning to Congress that 'the volcano is about to blow,' Chairman of the International Rescue Committee Leo Cherne elaborated on the need for American leadership as follows:^[4]

'Despite our efforts and those of a few other countries - notably France, Australia, and Canada - the world's response is grievously inadequate. What is needed, and this clearly comes to the nub of the problem.. is clearly leadership.. The President and the Congress must clearly enunciate a national commitment to resolve this present human crisis and call on the rest of the free world to work with us.. We certainly will press as hard as we can for a meaningful American response to that crisis. This nation has done it in the past, there is no reason why we cannot do it now.'

To set the stage for the international community's participation in the rescue of Vietnamese boat people, President Carter announced the U.S. plan to double the Indochinese refugee admission to 14,000 persons per month. In response to President Carter's lobby at the Group of Seven's economic summit in Tokyo, Japan agreed to bear half of the UNHCR's 1979 budget and the operating costs of refugee camps.

Hanoi's policy toward the boat people caused the Group of Seven to issue a 'special statement of the Tokyo Summit on Indochinese refugees' in June 1979. It depicted the refugee tragedy in Southeast Asia as 'a humanitarian problem of historical proportions' and pledged to 'significantly increase their contributions to Indochinese refugee relief and resettlement by making funds available and by admitting more people... while taking into account the existing social and economic circumstances in each of their countries.'

On July 20, 1979, sixty-five nations including Socialist Vietnam conferred in Geneva under the United Nations' umbrella to find a solution to the Indochinese refugee crisis. According to Australian Minister for Immigration and Ethnic Affairs Michael Mackellar, 'We are again called to consider one of the most inhuman and unnecessary tragedies in the calendar of human suffering.' And the delegates to this historic U.N. conference had found: 'Much is at stake: fundamental principles of law and of conduct, the future of countless people and the sanctity of human life, the will and capacity of the international community to respond in unison and in full measure.'

The failure of the 1938 Evian Conference to offer resettlement places for Jews, who were consequently slaughtered by Hitler, was still fresh in the mind of many delegates attending the first global convention on Indochinese refugees. The world hoped that the 1979 conference would create more resettlement opportunities for Vietnamese boat people and could pressure Hanoi into eliminating its principal role in the trade in human misery and respecting fundamental human rights, including the right of unhindered emigration as proclaimed by the Universal Declaration of Human Rights. It is interesting to learn that the overseas Vietnamese community successfully held an influential demonstration at that event causing serious embarrassments for Hanoi's delegation led by Deputy Foreign Minister Phan Hiên. A big banner held by two Vietnamese refugees read 'TOUT LE PEUPLE VIETNAMIEN CONTRE LA CLIQUE DE HANOI' (All the Vietnamese people oppose the Hanoi clique.) Hanoi was so offended that its delegation demanded the banner be removed before it would attend the conference.^[5]

The Meeting on Refugees and Displaced Persons in South East Asia - the largest-ever international conference on refugees in history^[6] attended by 65 official delegations along with other countries' observing representatives, and government agencies as well as non-governmental organizations - exposed the ugly truths about Hanoi's strategy in dealing with the boat people. The delegates to the conference were able - with limited degrees of success - to pressure Hanoi to suspend its 'freedom for sale' ploy and ease emigration restrictions to allow overseas family reunions and sponsorships. At the end of the meeting, U.N. Secretary General Waldheim announced publicly:

'As a result of my consultations, the government of Socialist Republic of Vietnam has authorized me to inform you that for a reasonable period of time it will make every effort to stop illegal departures. In the meantime, the government of Vietnam will cooperate with the UNHCR in expanding the present seven-point program designed to bring departures into orderly and safe channels.'

It should be noted that earlier Hanoi refused to acknowledge its involvement in organizing human cargoes of ship people. Before the U.N. conference, Hanoi tried desperately to dissociate itself from the trade in human misery by manipulating an incident involved the Greek cargo vessel, the Nikitas F. The vessel's crew was prosecuted on unsubstantiated refugee trafficking charges when it delivered 11,400 tons of wheat to Vietnam on May 26, 1979. Found guilty of aiding 69 stowaways, the vessel and its operators were fined more than U.S. \$10,000. The vessel's master, Samothrakitios Komniwos, told Hong Kong marine authorities later that it was his officers who found the stowaways on board and asked Vietnamese security cadres for assistance to remove them; ironically, they were indicted by Hanoi on refugee trafficking charges. This incident was just a desperate act by Hanoi to distance itself from the huge human cargoes that it sent out to neighboring states. If the Nikitas F were involved in refugee racketeering, it would be unlikely that only 69 people were allowed to get on board; and

it is also interesting to note that the Nikitas F was permitted to leave Ho Chi Minh City port without having to pay a penny of the huge fine.

After the U.N. conference in July 1979, to demonstrate its eagerness to carry out the previously promised obligations, Hanoi sentenced to death several detained escapees including former South Vietnamese soldier Trần Minh Châu who was executed on August 6, 1979 for organizing a secret departure aboard a stolen government fishing boat. The harsh judgment was merely for show and Trần Minh Châu became a scapegoat; yet the masterminds behind the CPV's massive 'freedom for sale' ploy were untouched.

In early August 1979, to prove Hanoi's capability to stop illegal departures, Foreign Minister Nguyễn Cơ Thạch exaggerated to the visiting U.S. House of Representatives mission headed by Benjamin S. Rosenthal that Hanoi had successfully prosecuted 4,000 cases of failed escapes (organized by ordinary individuals) within the past 7 months (at the peak of Hanoi's export of human cargoes). This assertion translated into tens of thousands of prisoners, who were caught during their failed privately-organized secret escapes, because most unofficial secret escapes could rarely involve more than a few dozen asylum-seekers.

By August 1979, the Vietnamese communist regime appeared to have temporarily suspended its sanctioned 'freedom for sale' project because the number of departures by sea declined significantly. Of the 201,189 arrivals in 1979, more than 160,000 refugees came before the international conference in July 1979; and after the conference, the cumulative 6-month arrivals dropped by 75% to 41,000 persons. A refugee official in Malaysia reflected in 1980 that: 'All we're seeing at present is the same sort of clandestine departure that has been going on since 1975.' Journalist Barry Wain observed: **'Intensive interviewing confirmed that the new arrivals were genuine escapees. They were overwhelmingly ethnic Vietnamese from the southern part of the country..'** [7] In Hong Kong, 98% of the boat people arriving after 1979 were ethnic Vietnamese.

Swedish Foreign Minister Hans Blix's appeal for the orderly unhindered exit of refugees was well received by the U.N. conference delegates,[8] and Hanoi promised to carry out its obligations contained in the 7-point 'Memorandum of Understanding' concluded with the UNHCR on May 30, 1979. The Memorandum enlisted the UNHCR's help to implement Hanoi's new emigration policy proclaimed on January 12, 1979 and enforced by a Cabinet's directive dated March 14, 1979. Vietnamese citizens were allowed to emigrate overseas for family reunion or employment purposes. The Orderly Departure Program (ODP) was born with a theoretical objective of providing for a systematic outflow of émigrés from Vietnam while the CPV would refrain from organizing profit-making departures.[9]

In practice, the ODP implementation encountered many serious obstacles because only those approved by Hanoi could leave Socialist Vietnam, i.e. the final decision on the right to leave lied with Hanoi, whose policy of inhumanity appeared to continue to pay enormous dividends.[10] Hanoi's Foreign Minister Nguyễn Cơ Thạch commented in June 1979 that most refugees 'are from the south, from Ho Chi Minh City in particular. In 1975, we forbade them to go out. We were criticized by the west. We thought it over. We decided to give them the freedom to go. Now (the west) say we are exporting refugees. So now we say that they must ask to go. And we will allow them to go.' [11] Naturally, genuine refugees needed not apply to have their names included on Hanoi's list because a public revelation of their sufferings at the hands of communist cadres

would send them straight to re-education prisons. Similarly, resettlement countries would rightly be more receptive to relatives of their naturalized citizens and permanent residents, instead of some unknown fee-paying individuals who bribed to have their names on Hanoi's list. Another legal problem also arose, i.e. how would those leaving under the ODP arrangements be classified: immigrants or refugees? The international community should be concerned with the protection of refugees; but how many genuine refugees could seek asylum within the ODP framework, which was clearly steered toward family reunions and relative sponsorships?

In the case of the United States, Hanoi initially handed over two lists containing some 30,000 names with virtually no personal information attached therein, and thus there was no way to confirm the status of the potential émigrés. In 1979, of the 5,000 names submitted by Washington, only 228 persons were given exit visas by Hanoi; Foreign Minister Nguyễn Cơ Thạch blamed red tape when asked to explain the CPV's slow response.^[12]

In the case of Canada, Hanoi insisted that Ottawa had to grant residency status for one candidate proposed by the communist regime in exchange for every émigré admitted under the family reunion class. Hanoi's demand came with a threat from its Foreign Ministry's Consular Affairs Director, Vũ Khoan, who stated plainly that if Socialist Vietnam's offer were not accepted then the regime would not hesitate to once again export human cargoes to neighboring states. The ODP thus opened new windows for abuses, and Hanoi's 'freedom for sale' project was being carried out under a new internationally-approved cover.

In January 1981, Hanoi unilaterally discontinued the ODP process. The program was reinitiated in August after new agreements were reached between Socialist Vietnam and resettlement countries, and thereafter it continued in fits and starts.^[13] The ODP failed to offer the real durable solution that the international community previously hoped for, and had no effect on the ordinary escapes unsanctioned by the CPV because there were many genuine refugees, who could not expect to be allowed to flee communist persecution through the regime-controlled ODP procedures.

The ODP also presented boundless opportunities for Hanoi's officials to extract bribes for exit visas. A system of complex regulations and a web of 'cò giấy tờ' (back-door document process servers) were instituted to collect fees and grafts from ODP applicants. All those, who applied to leave Socialist Vietnam, immediately lost their jobs and became dependent on financial support from their overseas relatives. In the case of Ms. Thu Vân in Montreal, Canada, her family of seven in Vietnam was required to pay U.S. \$5,000^[14] to Hanoi when applying for permanent residency in Canada in 1979. Three years later, the family was requested to resubmit a new application and a further fee of U.S. \$3,000. Mr. Bành Quý, a refugee residing in New York, paid even more; the ODP departure cost for his family of eight was U.S. \$25,000. ODP-led corruption was rampant in Socialist Vietnam but, as long as the problem was not extraterritorial, it did not really concern the outside world inherently short of compassion.

The ODP was supposed to eliminate Hanoi's trade in human misery but, in reality, it only helped to reduce - but could not abolish - the communist involvement in the export of human cargoes. Hanoi's trade in human misery continued for at least another decade after the 1979 international conference on Indochinese Refugees. In one clear instance, in November 1987, a Vietnamese Navy ship escorted a civilian boat from Cà Mau to Rạch Giá; it stopped and picked up fare-paying passengers at Phụng Hiệp before setting sail for the open sea. Two high-ranking security officers and four navy officers were on

board the civilian boat until it reached international waters to ensure a smooth departure. The cadres then returned to Vietnam on the accompanied navy vessel. The 182 passengers on the boat paid between 4 and 5 taels of gold each for the officially sponsored trip to freedom; and it took them 2 days and 3 nights to reach Malaysia safely. [15]

The ODP framework endorsed by delegates to the first international conference on Indochinese refugees clearly failed its preset objective of providing for a systematic outflow of Vietnamese asylum-seekers while preventing Hanoi from organizing charter departures on rusty ships. More importantly, the ODP blatantly violated the principle proclaimed by Article 13 of the 1948 Universal Declaration of Human Rights ('everyone has the right to leave any country, including his own, and to return to his country') because it sanctioned Hanoi's infringement of Vietnamese citizens' 'right to leave.' Subsequent developments revealed that many genuine refugees from Socialist Vietnam eventually suffered severely due to compassion fatigue while the ODP and other similar international instruments could not offer adequate protection for them.

The single most significant achievement of the first international conference on Indochinese refugees was perhaps its success in awaking human conscience about the dreadful flight of the boat people and other asylum-seekers. The boat people tragedy was effectively internationalized and thereafter attracted tremendous global concerns as well as incredible humanitarian responses. Other concrete achievements of the U.N. conference could be summarized as follows:

- A substantial increase in the number of committed resettlement places from 125,000 on May 31 to more than 260,000 on July 21, 1979.
- New financial pledges totaling about U.S.\$190 million in cash and kind.
- Pledges to coordinate international rescue efforts to assist the boat people in distress at sea.
- U.S.\$25 million was offered for a proposed fund to extend resettlement to developing countries which were ready to receive refugees but lacked the necessary resources.
- A site for a refugee processing center capable of sheltering up 50,000 Asylees was offered by the Philippines. (In December 1980, the Galang Regional Processing Center, in addition to the existing Galang Refugee Camp, was opened in Indonesia to process boat people from Singapore and Thailand.)
- Hanoi inadvertently admitted the Vietnamese Communist Party's expulsion policy and its leading role in the trade of human misery, and thereafter agreed to suspended its 'freedom for sale' scheme.

In response to the new favorable conditions, first-asylum countries began to carry out their obligations as recommended by the conference: 'Within the framework of the over-all solutions envisaged, Governments of the port of call must allow the disembarkation of all those rescued.' Malaysia quietly abandoned the official tow-out practice and continued to allow the boat people to reach its shore. Thailand also stopped its blockage of arriving refugees. The international rescue effort was restarted with new enthusiasms and galvanized participation of private ships and the U.S. Seventh Fleet vessels.

In the final analysis, however, the historic conference failed to provide any long-term solution to the Indochinese refugee tragedy. The *root cause of the exodus*

was not addressed properly, and Hanoi was not bounded in any way to respect the Vietnamese people's liberty, non-communist beliefs and ways of life. As a result, the boat people's escapes did not cease completely but continued to place tremendous pressures on neighboring states, especially when the resettlement of asylum-seekers slowed down significantly in later years.

[1] New York Times, 25 June 1979.

[2] Indochinese Refugees, House Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, 22 May 1979.

[3] The European Common Market already voted to suspend economic aid to Hanoi and use those funds to help the boat people. On September 5, 1979, the U.S. House of Representatives voted to bar any direct or indirect aid to Socialist Vietnam while approved an additional \$207 million to assist refugees in Southeast Asia.

[4] Indochinese Refugees, House Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, 22 May 1979.

[5] A similar objection by Hanoi was made to the Canadian government when the Vietnamese community erected the 'Refugee Mother and Child' statue on August 22, 1996 'in memory of those who have lost their lives in their quest for freedom.' Ottawa flatly repudiated Hanoi's objection on the basis that Canada is a democracy and thus all citizens' freedom of expression is guaranteed.

[6] This conference also marked the first time that the former USSR and eastern European countries attended a major international convention on refugees.

[7] The Refused: The Agony of the Indochina Refugees, Barry Wain, supra, at p. 227.

[8] 'The present dangerous and inhuman exodus should be substituted by orderly departures. We appeal to the government of Vietnam to pursue this line of action..'

[9] At least one orderly departure program pursuant to the 1979 'Memorandum of Understanding' lasted until late 1999. The U.S. ODP office located on Pasteur Street in Saigon officially closed down on September 30, 1999. The U.S. program was steered toward family reunion and admission of Amerasians (the 1988 Amerasian Homecoming Act) and a limited number of former prisoners with lengthy incarceration records (the Humanitarian Operation perhaps was one of a very few programs that actually rescued a number of genuine refugees). Except in extraordinary cases, most other asylum-seekers did not qualify for the U.S. program.

[10] The controlling role of Hanoi over the entire ODP procedures was clearly reflected in the inability of foreign governments to gain access to potential candidates. For example, the Canadian Embassy in Thailand even had a standard letter to answer its citizens and residents' sponsorship inquires with a very passive response that provided virtually no valuable information:

'The status of the case is: (X) 1. Not yet presented by the Vietnamese authorities for interview.. The Canadian Embassy has no access to any applicant until his name appears on the Vietnamese interview list.'

[11] Asiaweek, 15 June 1979.

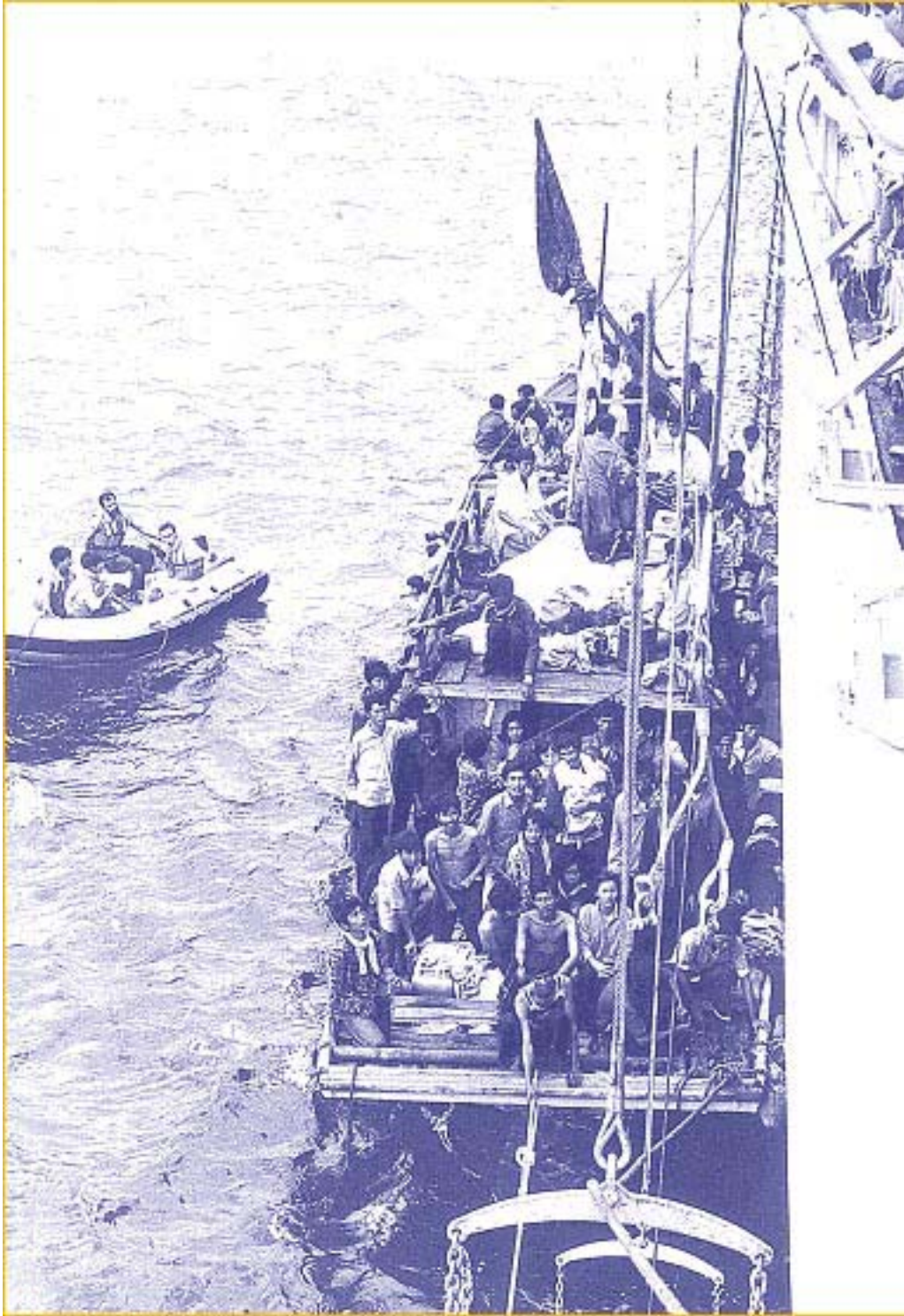
[12] 'Minutes of Discussion with Nguyen Co Thach, Secretary of State for Foreign affairs, Office of the Premier, and Members of Congressional Delegation, Hanoi, August 9, 1979,' as recorded in US Congress, House Committee on Foreign Affairs, The Indochinese Refugee Situation – August 1979, Report of a Study Mission of the US House of Representatives, August 2-11, 1979, 96th Congress, 1st session, September 16, 1979, at pp.63-78.

[13] During the first five years in operation, the ODP listed approximately 1 million names but Hanoi was extremely slow in processing ODP applications. The number of orderly departures did not pick up until 1981 with 9,815 émigrés leaving Socialist Vietnam. In January 1986, Hanoi unilaterally suspended ODP procedures and then re-allowed ODP interviews to proceed a month later.

[14] In order to appreciate the depth of outrageous unfairness, this substantial amount should be viewed in light of the fact that the *annual income per capita* in Socialist Vietnam was less than U.S. \$200 at the time.

[15] Interview with passenger Dung Nguyen at Lloyd Duong Attorneys Atrium on April 20, 1999. Mr. Nguyen was admitted into Canada in 1989.

A Historic Rescue Effort



It was Hanoi's active role in organizing the departures of ship people that stirred up international controversies in political circles, but it was the boat people's sufferings at the hands of cruel pirates and local authorities that awoke human conscience and compassion in citizens around the globe.

The ruthless eviction practices of first-asylum countries and the pirates' brutal attacks on the defenseless boat people were unprecedented, and consequently prompted many communities around the world to quickly engage in one of the greatest rescue endeavors in mankind history.

For those boat people who were fortunate enough to reach safety or were rescued at sea, they benefited from an incredible refugee resettlement effort that would probably never happen again in the future. By the year 2000, of the 796,310 boat people and 42,928 Vietnamese land refugees arriving at various temporary camps, more than 720,000 Asylees were resettled across the globe from Asia, Africa, Australia, to America, Europe and the Middle East. Six countries that took in most of the asylum-seekers are Australia, Canada, France, Germany, the United Kingdom and the United States.

In Australia, despite the leftist and conservative opposition to the resettlement of Vietnamese refugees, 104,048 boat people were eventually admitted. The Asylees were sheltered in immigration centres during their first days and then relocated to various states. The boat people adapted quickly to the new environment, and most of them were willing to take on jobs incompatible with their former training and status. Within a decade later, Vietnamese refugees firmly established themselves and became prominent in the Australian business and political arenas.

New Zealand's policy concerning the boat people tragedy was influenced by heightened public opinion in favor of assisting Indochinese refugees. Church organizations and sponsorship groups played an important role in appealing for and resettling the Asylees. Notable contributions to the endeavor to help the boat people included the works of two brothers, Hugo and Bill Manson. These two television journalists sent request to New Zealand's 230 local administrations to ask for 3,200 resettlement places or 1 for each 1,000 citizens. More than half of the administrations replied, and 80% of those responses were positive. Ultimately 4,371 boat people were admitted and integrated successfully into the mainstream society.

In France where 18,468 boat people eventually resettled, the French generosity toward the boat people was incredible. The general public warmly welcomed the refugees into their communities. The arriving Asylees were housed in one of the 3 shelters run by France Terre d'Asile. Medical examinations and access interviews were conducted for relocation purposes. Those who had assisting relatives in France could depart to find employment and housing on their own. Others would be transferred to provincial centres where they learned French and the necessary skills to integrate into the new society.^[1] It should be noted that, despite the prevailing racial problem with North African immigrants in France, the public was incredibly generous toward the boat people. Offers of support for Indochinese refugees from across the country poured in at an exponential rate. French families helped to house the boat people temporarily, while various provincial communities organized shelter and job search for them.

In Britain, home of 17,677 boat people, the government's initial hard-line immigration policy was modified in favor of resettling Vietnamese refugees after Foreign Secretary Lord Carrington visited various refugee camps in Hong Kong and Southeast Asia. The media also favoured the liberal admission of Indochinese refugees while the general public showed great sympathy and support for the boat people. An officer of the Council for Aid to Refugees, Jeanne Townsend, observed that the U.K. public accepted the boat people more harmoniously because 'They have endeared themselves to the British people. They are not nearly as inscrutable as Asians are believed to be and they do not have the same religious and social taboos as Indians and many Africans. They like a

drink, love parties and are an outgoing people. The English are dotty about anyone who rides a horse or sails a boat and they have admired the courage of the Vietnamese people. It has been an emotional reaction. The Vietnamese are proving to be remarkable gardeners, buying plants and trees wherever they settle, and this endears them to the British people. I don't say they are angels. They have their problems: their expectations are rather high.'

Sweden maintained one of the best resettlement systems for the boat people. On December 5, 1978, King Carl XVI Gustaf indicated his wish to assist Vietnamese Asylees even though he actually had no authority to make the decision for Parliament. As the refugee situation in Southeast Asia worsened, the Swedish government felt an obligation to contribute to the international effort to help the boat people although Stockholm had long maintained a warm relation with Hanoi. The 5,589 boat people ultimately admitted by Sweden were relocated sparsely in the southern provinces after spending several weeks at a resettlement centre. While adults were given intensive language courses before entering the workforce, children were integrated directly into the regular education system. Besides resettling Vietnamese Asylees, Stockholm also made direct and repeated appeals to Hanoi to stop its organized trade in human misery.

In the United States, Washington decided that October 31, 1975 was the last day to transfer Indochinese refugees in 'third countries' into the U.S. resettlement system, and December 31, 1975 signaled the end of the refugee program's first phase. On May 5, 1976, the Expanded Parole Program was instituted to admit initially 11,000 Cambodian, Laotian and Vietnamese Asylees encamped in Southeast Asia. The program was continued until 1980 when the Refugee Act was passed to establish admission quota for refugees.[2] The new Act created the Office of Refugee Resettlement within the Department of Health and Human Service to concentrate on helping newly-admitted Asylees.

After the first international conference on Indochinese refugees, President Carter directed the Seventh Fleet to 'alter their routes as feasible' to seek out and offer 'all possible assistance' to Vietnamese refugee boats at sea.[3] The U.S. House of Representatives voted on September 5, 1979 to bar any direct or indirect aid to Socialist Vietnam while approved an additional \$207 million to support Asylees in Southeast Asia. During the initial months of the boat people resettlement program, there were concerns that the newly arrived refugees would adversely affect the local employment conditions. Fortunately, public opinion was on the boat people's side in the early 1980s because (1) their tragic journey to freedom was televised into the living room of most homes with vivid footages and consequently influenced the heart and mind of many families, and (2) the high work ethics and educational achievements of resettled refugees impressed many local communities.

In general, the resettled boat people proved to be hard-working individuals dedicated to rebuild their lives in the newly-adopted country; and therefore, it was not surprise to see the American Federation of Labor - Congress of Industrial Organizations (AFL-CIO) openly supported the resettlement of boat people and categorically dismissed the myth surrounding the Indochinese refugees' vocational threat:

'No organization is more concerned about the problem of unemployment than the AFL-CIO. But that problem will hardly be affected by the number of Indochinese we are talking about - an estimated 25,000 a year - or even by the 50,000 political refugees the Administration proposes to admit annually. In any case, these refugees do not take jobs away from steelworkers, metal workers, retail clerks, public employees, plumbers,

carpenters, farm workers or any others. To portray these political refugees - who like our immigrant ancestors take jobs no one else in our society seems to want - as a threat to our jobs, in the same class with unfair international trade, excessive interest rates and misguided government economic policy, is a travesty.'

Private U.S. citizens and nonprofit agencies played a major role in the boat people's resettlement endeavor. Notable were the contributions of the local offices of the U.S. Catholic Conference, Lutheran Immigration and Resettlement Service, Church World Services, United Hebrew Immigration and Assistance Service, and the American Council of National Services. Through the umbrella organization called the American Council of Voluntary Agencies, these organizations provided initial assistance to the newly arrived refugees, whose immediate needs included housing, foods, social orientation, language training, etc. The government provided a subsidy of \$500 for each boat person serviced by these agencies.

Beside institutionalized efforts, Americans and Vietnamese expatriates were also active in the resettlement process. Private sponsorships were offered from across the country, especially from the relatively new Indochinese community; in fact, 46% of all Vietnamese refugees entering the U.S. during the early years were sponsored by their friends and relatives. By the end of 1999, 388,238 boat people as well as 22,568 land people were resettled in the United States; and they had successfully built a dynamic and visible presence within the American society.

In Canada, the response to the boat people tragedy was best described by Ottawa's theme 'A haven for the homeless.' Both the public and private sectors including many church organizations and private citizens' groups were actively involved in the sponsorship of Indochinese Asylees.^[4] When the Canadian government set the 1979 target at 8,000 refugees to be admitted and hoped 4,000 more would be sponsored by the private sector, the public went farther by challenging Ottawa to take in 2 additional refugees for every one privately sponsored above the 4,000-person limit. In response, the government raised the total target to 21,000 asylum-seekers and promised to match one-for-one for each refugee privately sponsored over the 4,000-person limit. It was expected to take 18 months to attain the total target, but it took only 4 months to exceed that number. A year later, in light of the massive public sponsorships of boat people, Ottawa elevated the total target to 50,000 refugees. Eventually, nearly 100,000 Vietnamese boat people and land people were admitted into Canada under the Indochinese refugee resettlement program.

The Canadian example represents a rare instance in which both the government and the public cooperated wholeheartedly and interacted effectively in the spirit of humanitarianism to achieve the common goal of assisting Indochinese refugees. The unique Canadian resettlement endeavor was gratefully praised in October 1998 by Ottawa's spectacular Canadian Museum of Civilization in its meticulously detailed exhibition entitled Vietnamese Canadians: Boat People No Longer. This special presentation organized in celebration of the 50th year anniversary of the Universal Declaration of Human Rights was dedicated to Vietnamese Canadians and their past experience. Along with countless photographs and televised footages, a replicated vessel was crafted to depict the Vietnamese tragic journey to freedom in Canada. At the exhibition's opening officiated by Governor General Roméo LeBlanc, many Vietnamese refugees in attendance were tearfully moved by emotions because the displays invoked in them powerful memories of their boat people's path.

Resettled Boat People Source: UNHCR

From: First Asylum Countries	To: Countries		
	Australia	Belgium	Canada
Hong Kong	10,279	252	26,146
Indonesia	21,641	189	16,452
Japan	722	132	735
Korea	71	20	64
Macau	536	5	2,295
Malaysia	48,540	516	33,874
Philippines	6,355	97	5,573
PRTC (Ex-Hong Kong)	1,244	2	1,998
Thailand	14,660	148	11,355
<i>Total</i>	<i>104,048</i>	<i>1,361</i>	<i>98,492</i>

From: First Asylum Countries	To: Countries		
	Denmark	Finland	France
Hong Kong	1,603	559	2,297
Indonesia	306	170	2,334
Japan	62	3	81
Korea	0	0	72
Macau	66	0	77
Malaysia	727	672	6,867
Philippines	245	7	3,284
PRTC (Ex-Hong Kong)	38	0	50
Thailand	435	393	3,406
<i>Total</i>	<i>3,482</i>	<i>1,804</i>	<i>18,468</i>

From: First Asylum Countries	To: Countries		
	Germany	Japan	Netherlands
Hong Kong	2,545	632	1,067
Indonesia	2,524	246	472
Japan	34	3,593	45
Korea	39	10	109
Macau	12	31	4
Malaysia	4,352	435	1,867
Philippines	1,648	823	596
PRTC (Ex-Hong Kong)	0	53	309
Thailand	1,427	128	515
<i>Total</i>	<i>12,581</i>	<i>5,951</i>	<i>4,984</i>

From: First Asylum Countries	To: Countries		
	New Zealand	Norway	Sweden
Hong Kong	942	1,074	1,384
Indonesia	619	387	783
Japan	40	695	1

Korea	231	87	5
Macau	30	21	497
Malaysia	1,621	854	1,508
Philippines	384	624	385
PRTC (Ex-Hong Kong)	14	140	798
Thailand	490	690	228
<i>Total</i>	<i>4,371</i>	<i>4,572</i>	<i>5,589</i>

From: First Asylum Countries	To: Countries		
	Switzerland	U.K.	U.S.
Hong Kong	723	15,679	71,378
Indonesia	652	113	64,843
Japan	71	112	3,978
Korea	1	5	663
Macau	103	179	3,678
Malaysia	2,838	451	142,079
Philippines	407	409	28,047
PRTC (Ex-Hong Kong)	214	3	878
Thailand	464	726	72,694
<i>Total</i>	<i>5,473</i>	<i>17,677</i>	<i>388,238</i>

From: First Asylum Countries	Others	To: Countries <i>Total</i>
Hong Kong	2,166	138,726
Indonesia	148	111,879
Japan	46	10,350
Korea	10	1,387
Macau	174	7,708
Malaysia	1,580	248,781
Philippines	675	49,559
PRTC (Ex-Hong Kong)	0	5,741
Thailand	365	108,124
<i>Total</i>	<i>5,164</i>	<i>682,255</i>

Note: By the year 2000, approximately 1,400 boat people eligible for resettlement remained in Hong Kong and were eventually granted residency rights by the local authorities, about 1,600 others who failed the flawed refugee-screening procedures had been sheltered in the Philippines thanks to the local Catholic Church's intervention and Vietnamese expatriates' generous financial support, and the rest or nearly 120,000 Vietnamese asylum-seekers were coerced to return to Socialist Vietnam after their refugee claims were dismissed by the defected screening process

[1] In France, only a third of newly-arrived Vietnamese refugees spoke some French.

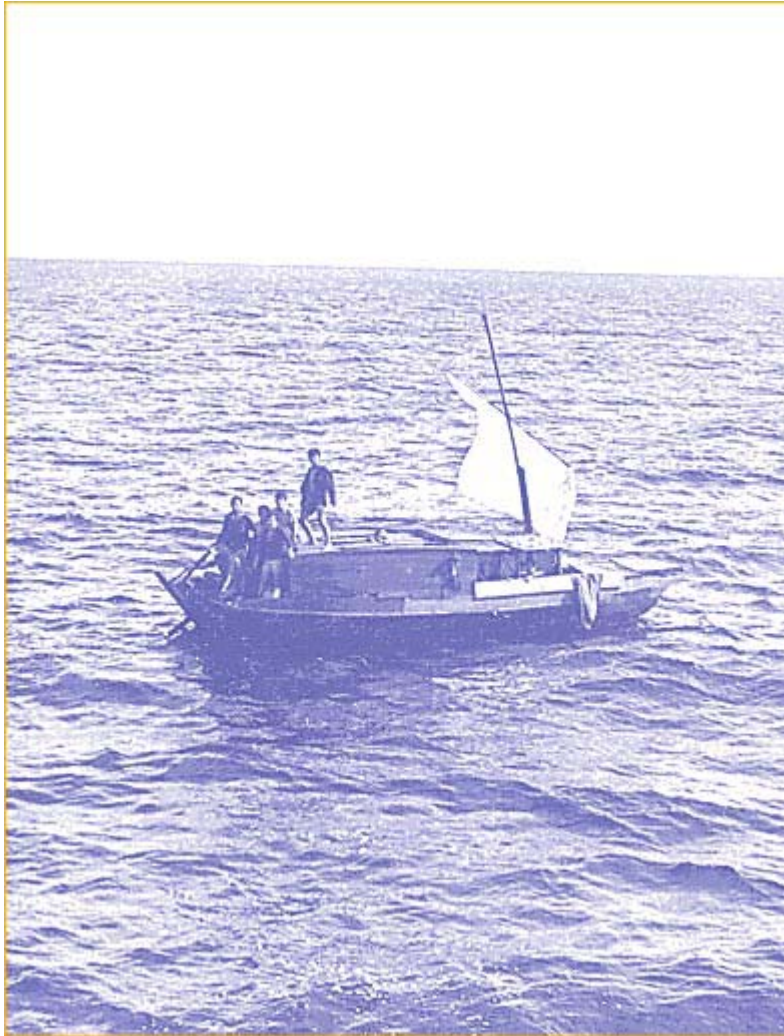
[2] Half of the 'normal' quota of 50,000 refugees was allocated to Indochinese refugees during the first several years.

[3] Before July 1979, Washington's policy was to restrain from commissioning ships to rescue Vietnamese boat people. U.S. Navy vessels on normal deployments were

permitted to offer assistance to refugee boats only when the situation deemed necessary.

[4] One of those incredibly compassionate gestures was the non-governmental initiative Operation Lifeline first incepted in Toronto and began its operations on June 24, 1979. Within two weeks, 60 chapters of Operation Lifeline sprung up with private assistance to sponsor Southeast Asian asylum-seekers.

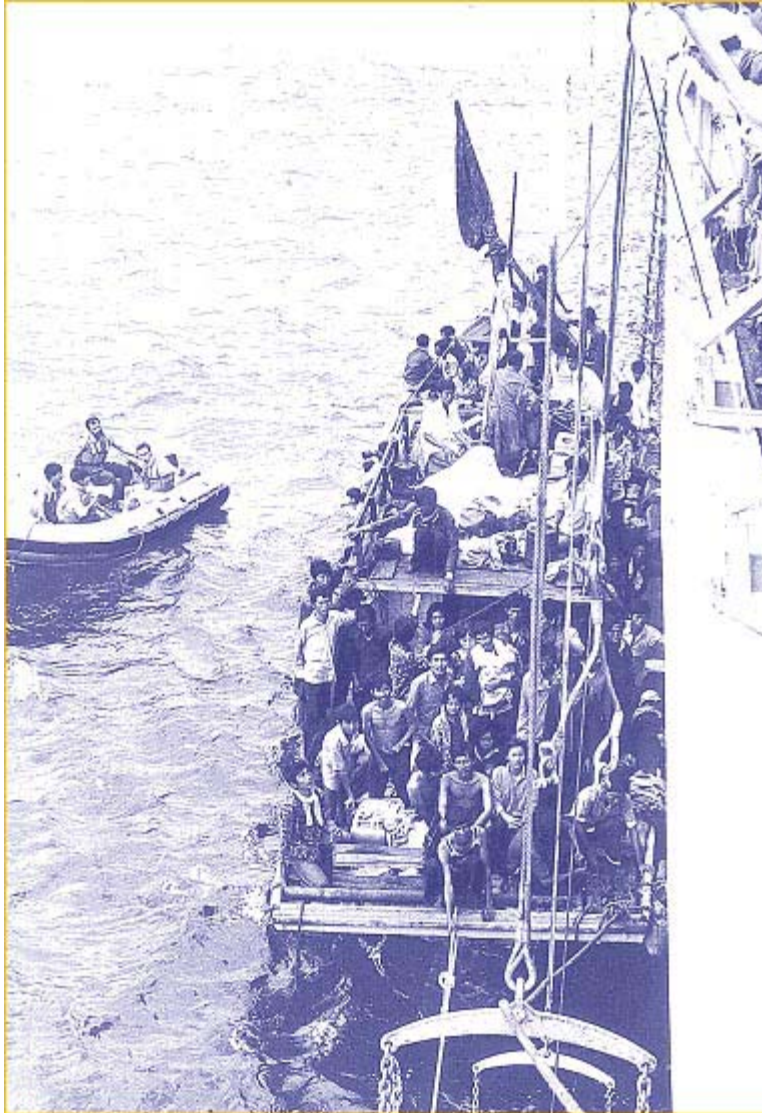
Unforgettable Images Những Hình Ảnh Khó Quên



Facing death on a small craft shaken by the rough sea after enduring several brutal pirates' attacks, these boat people were desperately praying for help.
(Photo: B. McDougall)



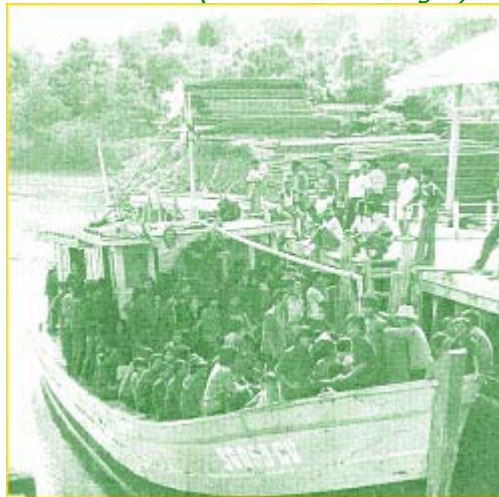
Help often never arrived or came terribly late. *(Left: UNHCR's K. Gaugler 1978)*
Many unfortunate boat people - like Ms. *Lý Thị Ngọc Du* from
a wealthy Vietnamese family in Saigon - died without any trace at sea.
(Right: Lý Khánh Vân)



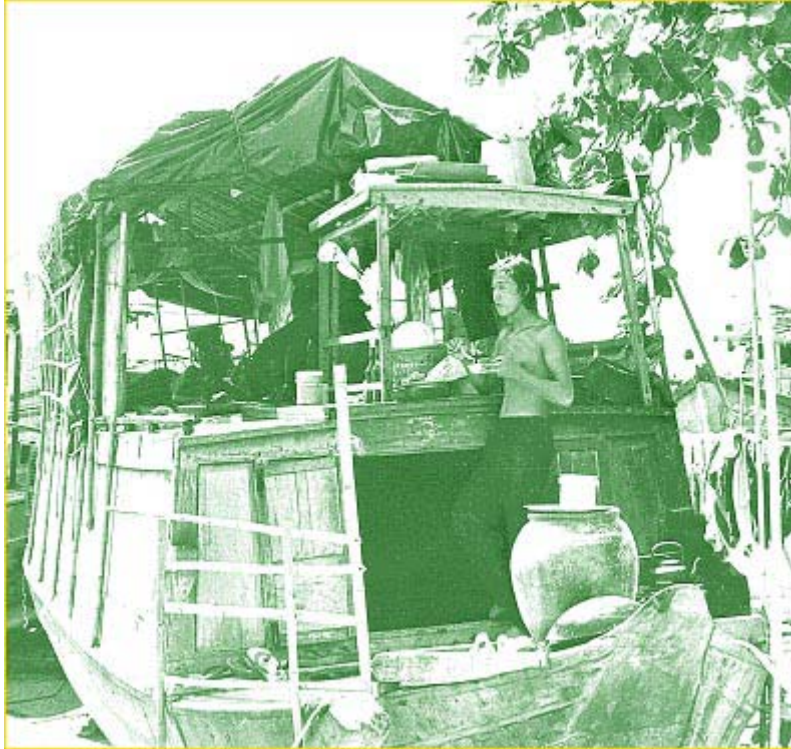
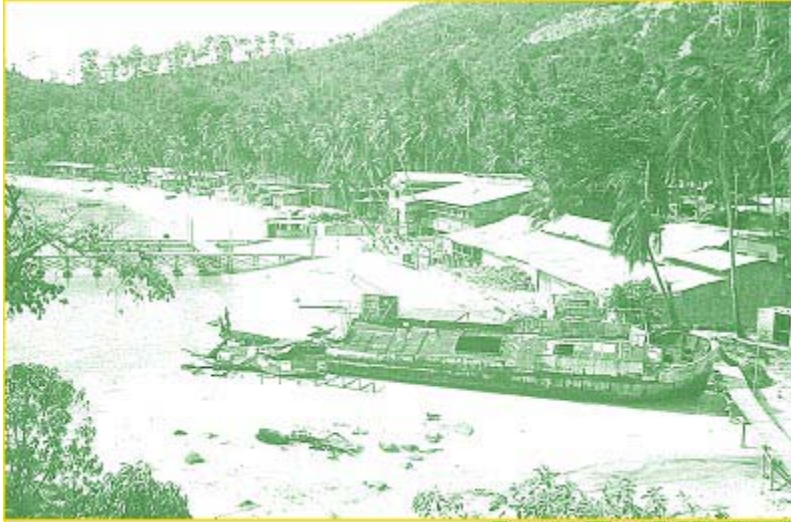
*Sometimes help arrived – in this case, via an Italian ship
UNHCR: A. Ranzoni*



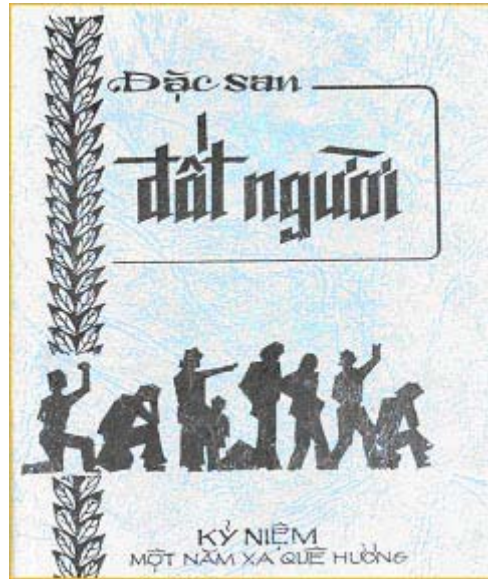
Among those rescued at sea were young children and women. *(Photos: B. McDougall)*



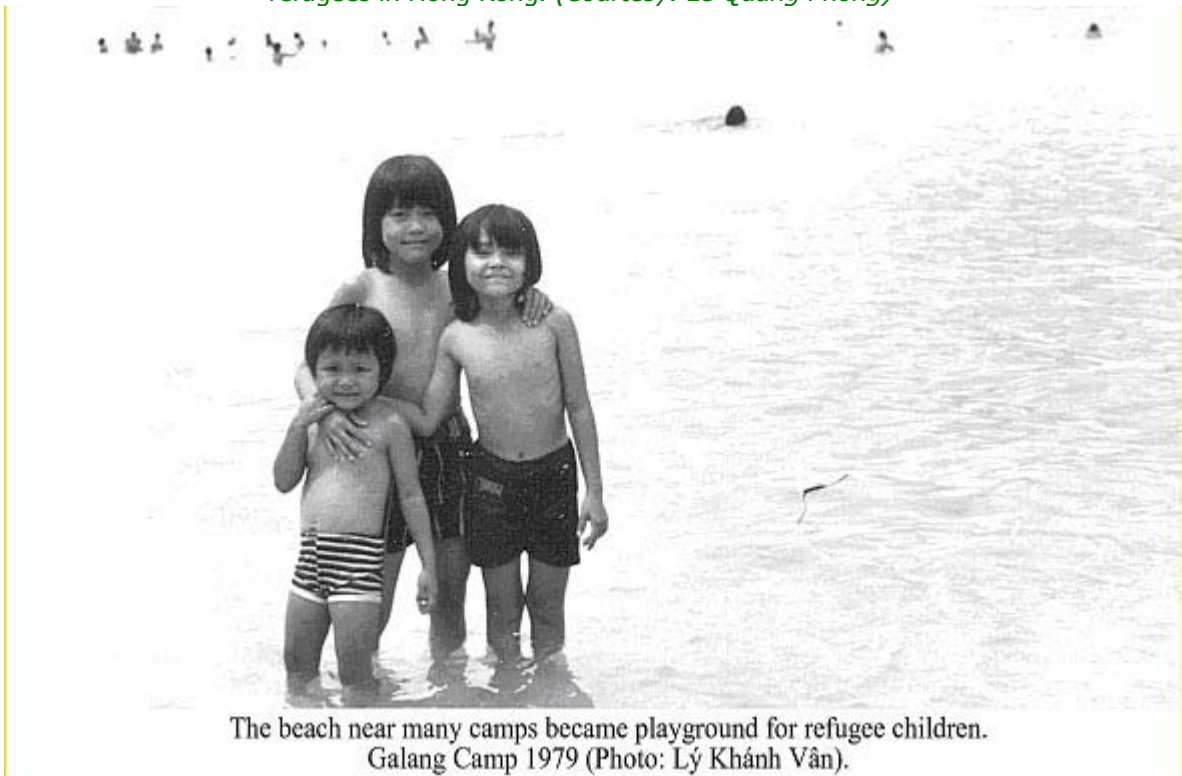
Those boat people, who reached safety, would be taken to refugee shelters such as Galang Processing Center in Indonesia *(above: photo by UNHCR's R. Burrows 1984)* or Pulau Bidong Camp in Malaysia *(below: photo by UNHCR's N. van Praag 1983)*.



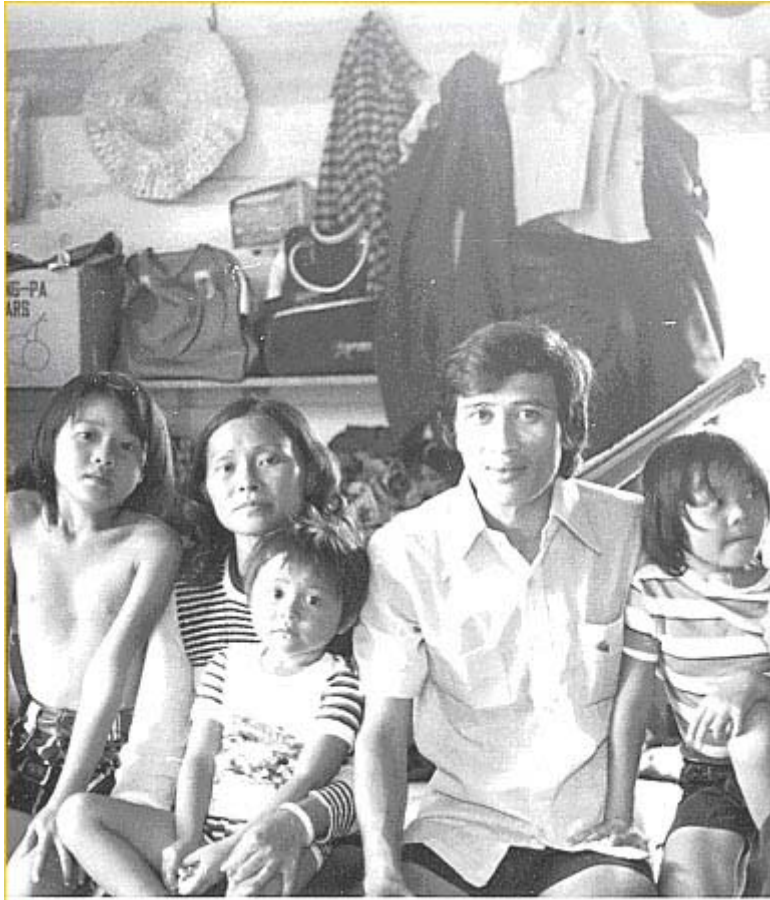
Songkhla Refugee Camp, Thailand: In 1977, some boat people had to remain on their crafts due to shortage of shelter. *(Photo: UNHCR's D. Janmieson)*



Left: Refugee ID in Thailand.
Right: 'Land of Others,' a publication by South Vietnamese refugees in Hong Kong. (Courtesy: Lê Quang Phong)



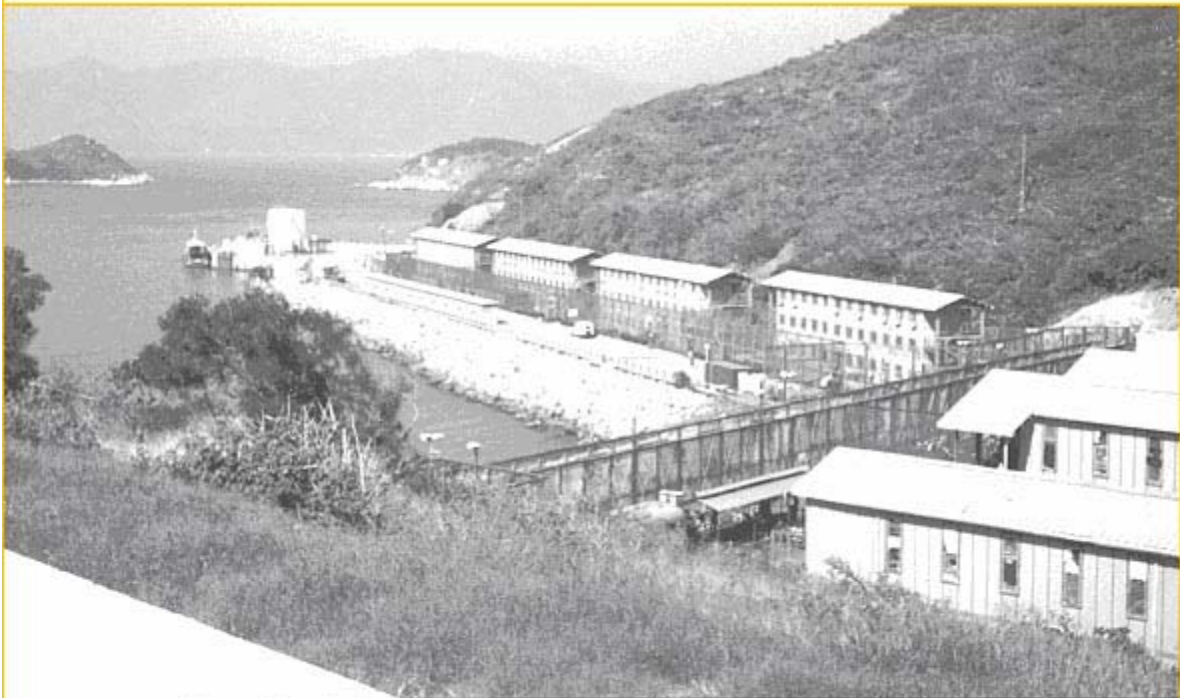
The beach near many camps became playground for refugee children.
Galang Camp 1979 (Photo: Lý Khánh Vân).



Human faith in God was revived in many boat people. This beautiful Buddhist pagoda was built by the refugees in Galang Camp in 1979. (Courtesy: Lý Khánh Vân).



Galang Camp also had a magnificent church with a loving statue of Maria crafted by the refugees [on opposite page]. (Courtesy: Lý Khánh Vân).



Hong Kong's closed camps: Access to this refugee centre, Tai A Chau, located on an isolated island was severely restricted. (Photo: L. Duong 1993).