

# Did the UNHCR Fail Vietnamese Refugees in Hong Kong?

Written by Nicholas Hendry

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NICHOLAS HENDRY, JUN 29 2012

'Why did the UNHCR become the focus for criticism in its reaction to the plight of Vietnamese Boat People based in Hong Kong? Was the criticism justified?

The exodus of Vietnamese Boat People is considered to be "one of the most protracted refugee problems in history" (Loescher, 2001: 259), to the extent that between 1975 and 1987, more than one million Vietnamese refugees left Vietnam for the surrounding regions (Shearer, 1987: 432-433). They sought to escape the oppressive communist regime which had emerged victorious after the American military withdrawal in 1975. Of these refugees, many had helped the Americans during the war and faced persecution in their absence- they felt they had little option but to migrate. In many instances, the British owned island of Hong Kong was their ideal destination, and after Margaret Thatcher announced "Hong Kong as the first port of asylum" (Lam, 1990: 13) it created something of an "open door policy" (*Ibid*) in the minds of the fleeing Vietnamese. This began to result in the small colony of Hong Kong seemingly *overrun*, amidst a growing native hostility.

To deal with this crisis, The United Nations High Commission for Refugees (UNHCR) was enlisted to help. However their work was criticised (Zetter, 1990: 2; The Economist, 1995: 42), afterwards for their "dismal" (*Ibid*) handling of the events, which saw thousands of Vietnamese migrants being forcibly repatriated against their will. However it must be said that the UNHCR was bound to a difficult set of circumstances, with significant factors such as the 1997 Chinese takeover of Hong Kong hindering their ability to operate effectively. This essay will show that the UNHCR did fail the Vietnamese refugees in Hong Kong because their poor handling of the situation created an environment where forcible repatriation appeared to be the only available option (Cunliffe, 1995: 290).

From 1982, the Vietnamese migrants entering Hong Kong were to be subjected to a variety of different processes that gauged their eligibility for refugee status; increasingly economic migrants were using the refugee crisis as an opportunity for social mobility (Smyser, 1985: 165). The changes in policy could be seen as one of the reasons why the UNHCR became the focus for criticism in their handling of the Vietnamese Boat People; they became increasingly illiberal in their methods for dealing with the crisis (Human Rights Watch, 1997). These processes ranged from the "screening" of refugees, that was introduced in 1982 (Diller, 1988: xvi); to the Comprehensive Plan of Action (CPA) in 1989. This saw failed applicants get 'screened out' and housed in 'closed camps', awaiting a notification on their future. The screening process itself has been identified as an area of criticism for the UNHCR; they failed to provide for the refugees, to the extent that interviews were conducted in Cantonese or regional dialects unfamiliar with the Northern Vietnamese (Diller, 1988: 23).

This process was continued under the CPA with an added emphasis upon repatriation and a perception that 'failure' was encouraged (*Ibid*). The CPA's "focus upon repatriation left open the possibility that some genuine refugees would be sent back" (Human Rights Watch, 1997) and because the screening process was poorly managed (Diller, 1988: 25) there is a suspicion that this may have occurred (Human Rights Watch, 1997). Highlighting one of the reasons why the UNHCR was criticised for their reaction to the Vietnamese Boat People.

"It is not acceptable... that refugees spend years of their lives in confined areas" (Lubbers, 2001). If 'screened out'

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migrants refused to voluntarily repatriate then they were housed indefinitely in camps (Diller, 1988: xvi) which were dirty, overcrowded and spread disease- “outbreaks of cholera occurred in camps of Vietnamese boat people” (Lai et al., 1996: 44). “The camp organisation serves to exacerbate feelings of uncertainty and insecurity” (Knudsen, 1991: 23), which increase the mental strain placed upon a refugee. In particular younger refugees who travelled alone were most at risk here; as Knudsen states, this was “a brutal separation, marginalising them and leaving them with few reliable alliance partners” (*Ibid*). The fact that the UNHCR failed to recognise this; or rather, were unable to help, is to their detriment. Through this situation they are ruining the refugee’s chance at normality, in either their native state or an alternate. This is particularly important when considering that “a refugee’s experience in a camp needs to be seen as important in determining his initial orientation to his new country” (Chan, 1989: 756).

When this failed to happen, the refugees mental welfare and ability to “integrate effectively” (*Ibid*) into the new society was severely impaired. Instead a symbiotic relationship is created “whereby the latter becomes the external projection of all that the refugee instinctively most fears” (*Ibid*). Consequently they become untrusting and fearful of authority, rejecting all offers of voluntary repatriation out of fear and anger; voluntary repatriation is a primary aim of the UNHCR, and therefore a significant failing on the UNHCR’s behalf. This could be one of the reasons why so many refused the option of voluntary repatriation; and because they have spent extended periods of time in hiatus they may find it difficult to reintegrate into their Vietnamese society, if they ever wish to return.

To blame the UNHCR completely for the situation in Hong Kong doesn’t show the nuances of the conditions that they were working under. The initial Indochina problem was addressed in 1979 at a United Nations Summit meeting in Geneva, it was there that Margaret Thatcher and Hong Kong openly declared itself as the ‘first port of asylum’. This could be the single most important act in moving the crisis to Hong Kong. It provided a neighbouring; legitimate port for refugees within South East Asia. Initially only Malaysia received more refugees (Cunliffe, 1991: 273) before the issue localised to Hong Kong’s shores, as its liberal notoriety soared. The initial promise of “virtually automatic settlement for those in UNHCR camps” (Loescher, 2001: 259) was of tremendous importance to the war ravaged and economically burdened Vietnamese. Explaining why both refugees and economic migrants from both North and South Vietnam leapt at the opportunity to migrate abroad. Consequently The UNHCR was forced to operate predominantly in Hong Kong, amidst a hostile local atmosphere and the looming presence of the 1997 handover.

As the boat people continued to arrive through the 1980’s, the issue of the 1997 Chinese handover began to take precedence; the Beijing government made it very clear that “every Vietnamese *must* be out by 1997 when China takes over Hong Kong” (Lam, 1990: 12). This gave the British and Hong Kong governments a firm deadline, providing an incentive to end the temporary nature of their camps and “stop the continuing influx of boat people” (*Ibid*) and ultimately “tidy up Hong Kong” (The Economist, 1997: 36). The looming Chinese takeover is an example of a matter that the UNHCR had no control over; they had instructions from a sovereign power and being a Non-governmental Organisation (NGO) they were obliged to follow, restricting their ability to operate. In turn this solidified the idea of creating the 1989 CPA, which introduced enhanced screening measures and eventually the idea of ‘forced’ repatriation (Castles and Miller, 1998: 158). However, hard line critics of the UNHCR would state that they were under no obligation to accept these proposals and by signing and agreeing to monitor the process; they are lending legitimacy to policies that are illiberal and contrast the initial aims of the UNHCR (Cunliffe, 1995: 287-9).

The legitimising of these policies is a fundamental criticism because they are setting a future precedent, and show the increasing power of governments at “denying refugee status to the vast majority of displaced people” (*Ibid*: 289). Resultantly this shows inability of the UNHCR to provide for displaced people as well because they are ultimately controlled by these governments, although it is possible to say that the UNHCR were in some ways misled by this agreement. A secret bilateral negotiation was made by Hong Kong for forcible returns to Vietnam (Loescher, 2001: 261), the UNHCR were not

informed of this and Consequently on the “12<sup>th</sup> of December 1989.... heavily armed Hong Kong security guards forcibly deported to Hanoi 51 screened-out Vietnamese refugees” (*Ibid*). However under the pressure of the 1997 handover and a cutting in resources, it could be argued that they had very little choice but to agree to the new CPA and its implementation of illiberal measures to promote repatriation. However, the UNHCR utilised abhorrent measures to encourage voluntary repatriation: restricting movement, cutting back on education, medical services and reducing employment opportunities (*Ibid*). These reprehensible activities show the pressure the CPA put them under

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and how these acts affected the recipients more than anyone else. It is felt that this could have been avoided had they not signed and legitimised such a restrictive agreement and for many “the forced repatriation of screened-out Vietnamese non-refugees tarnished the UNHCR’s reputation as the protector of refugees” (*Ibid*).

The 1997 handover is intrinsically linked to the attitude of the Hong Kong nationals, who were getting “1997 jitters” (Lam, 1990: 13) about their own futures and sought emigration out of Hong Kong in their thousands (Skeldon, 1990: 500). The Tiananmen Square incident in 1989 only intensified this feeling of “abandonment” (Lam, 1990: 13) by the British Government; who they believed to be carefully protecting European borders whilst systematically opening up the East (Skeldon, 1990: 500). This helplessness is only exacerbated by the Vietnamese in the early 80’s who were being allowed to enter Hong Kong freely. Yet “Chinese migrants from the mainland were being forcibly expelled” (Cunliffe, 1991: 273); many of these migrants were family members of Hong Kong nationals, and subsequently this was the basis for the prejudice and “new racism” (Ibrahim, 2005: 164) that began to grip Hong Kong.

Whilst this in itself is not the UNHCR’s fault, it does hinder their ability to operate and there is a particular view that the UNHCR should have done more to utilise media as a resource for convincing the Hong Kong natives of the responsibility they had to the refugees, and increase local support. After all “media can have an increasingly positive influence on processes of social communication and societal change” (Becker, 2004: 1). Yet the UNHCR did not do enough to create this environment, internally or externally. Statistics published only had negative effects: 98% of new arrivals into Hong Kong are ethnically Vietnamese (Cunliffe, 1991: 273), whilst on an international level they failed to halt the “campaign against non-white immigration in both Europe and Australasia” (*Ibid*). Compassion fatigue may be something that is difficult for the UNHCR to avoid in prolonged refugee events, but by working to create a more palatable atmosphere, they could have been able to avoid repatriation as the only course of action, as the international community may have been more sympathetic towards the refugees’ cause.

One of the main criticisms aimed at the UNHCR is as a direct result of their action to forcibly repatriate thousands of Vietnamese refugees before the 1997 handover. Under Jean-Pierre Hocke, repatriation became the primary objective because it was “the only realistic alternative to indefinite subsistence on charity” (Hocke, 1989). Whilst long term this may be the most effective solution, it was critiqued because “returnee programmes {are} relatively cheap and quick” (Cunliffe, 1995: 289), coincidentally these new notions were introduced at a time when the UNHCR was in the midst of a “financial crisis” (Loescher <sup>1</sup>, 2001: 264). Requiring a further “\$150 million over projected needs” (*Ibid*), for some it seemed as if the UNHCR was placing the needs of donor states over the needs of refugees (Cunliffe, 1995: 289), repatriation also acts to insulate donor states from refugees who had begun to “spill over” from the developing world into the developed (Coles, 1990: 381); once again supporting the criticism that UNHCR was looking out for its sponsors, rather than its beneficiaries.

The cutting of the budget has several ramifications; it does severely hinder the UNHCRs operational capability in Hong Kong because it reduces the resources they can deploy, subsequently the quality of care provided for the refugees will ultimately suffer (Loescher <sup>2</sup>, 2001: 34). Yet if funding was withdrawn entirely this could have grave consequences for refugees around the globe. This may explain why they are so keen to appease the donors, without their support the UNHCR would not be able to function at all; holding the UNHCR responsible for this is not entirely fair because they are “in no position to challenge the policies of its funders” (*Ibid*). However the reduction of their funding does tie into their signing of the CPA, if they are financially limited then they should not be agreeing to operations that require intensive monitoring and a high level of resources, as Cunliffe states there are “doubts about the abilities of the UNHCR..... to monitor the human rights treatment of returnees” (1995: 287), this corroborates the view that the UNHCR were looking after donors needs rather than humanitarian needs. Returnees could be viewed as dissenters or “political opponents upon their return” (Cunliffe, 1991: 276). UNHCR declarations that they are ‘economic migrants’ “is no guarantee they will not subsequently become the victims of political persecution” (*Ibid*) upon their return. Inherently rendering them refugees; creating an ironic, symbiotic nature to the events.

Whilst one can appreciate that the UNHCR was facing a very difficult situation- their budget was being cut, they were facing an increasingly hostile Hong Kong atmosphere and the 1997 Chinese handover had placed a deadline for their actions on the island. Against this, they did fundamentally fail the refugees in several ways. Firstly they placed the needs of their benefactors over those of the beneficiaries, through the use of cost-effective transit camps and forced

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repatriation (Chan, 1989: 755). The use of illiberal techniques to encourage voluntary repatriation is perhaps the main criticism levelled at the UNHCR (Cunliffe, 1995: 289) because it contrasts with the original mandate, to “provide for the protection of refugees” (UNHCR Mandate, 1951: 4). The general antipathy displayed by regional neighbours (Coles, 1990: 380) and the defensive nature of western donor states didn’t help the mounting problems. However the UNHCR’s decision to legitimise the forced repatriation of screened-out migrants, contrasted with the initial mandate of “non-refoulement” (UNHCR Note on the Principle of Non-Refoulement, 1997); coupled with the techniques used to encourage voluntary return meant that the UNHCR was rightly criticised for its handling of the Vietnamese Boat People.

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