



Statements and Speeches

No. 79/10

HUMAN RIGHTS VIOLATIONS AND REFUGEES

A Speech by the Under-Secretary of State for External Affairs, Mr. Allan Gotlieb, to the Canadian Human Rights Foundation, June 11, 1979.

I was invited by the Canadian Human Rights Foundation, an organization that I hold in the highest esteem, to address this conference on a human rights subject of my own choice. Since the conference is focusing on human rights aspects of Canadian immigration and refugee policy, I thought I would attempt an analysis of the relationship between human rights violations and refugees, drawing in particular upon the situation in the Indochina region.

Displacement of Persons

Many factors can lead to the displacement of people within their own countries and on occasion from their own to neighbouring countries. Whatever the cause, be it civil war, regional conflict or natural disaster, the international community responds to the plight of those affected through international humanitarian organizations. It is Canada's practice to give full support to international relief activities. We have at times contributed as much as 10 percent of the total cost, particularly to Red Cross appeals for immediate and invaluable on-the-spot assistance to victims of disasters.

Refugee Situations

Movements of people of the kind I have just described may, though large in magnitude, be of a nature susceptible to solution in the short or medium term. More intractable, however, are the situations which give rise to the creation of refugees in the internationally accepted sense, that is, persons who, owing to a well-founded fear of persecution, have left their country of nationality and are unable or unwilling to return.

Root Causes

The existence of small numbers of refugees from a country may suggest that it falls well below international standards in certain areas in the treatment of its citizenry, though it may have a relatively decent over-all record in human rights terms. When, however, the flow of refugees assumes major proportions, one must look to the root causes. National and regional conflicts may be a factor, but experience shows that there is frequently a relationship between major outflows from a country and gross and persistent violations of human rights in the country concerned.

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are at present as many as 10 million refugees in different parts of the world. It is a distressing situation and one, I believe, which reflects the state of human rights in many areas of the world.

Repression and Instability

There appears to be a causal relationship between human rights violations and political instability — both within a country and within a region. The stability of most countries and of most regions is tenuous at best. When a regime severely represses its citizens, it causes a reaction which in turn threatens the country's stability. In re-

sponse to the threat to its stability, the regime tends to increase its repression, which in turn increases the reaction. There is therefore a mutually-reinforcing spiral of repression and instability.

When the state of repression within a country is serious enough to cause major outflows of refugees to a neighbouring country or countries, the stability of those countries may be threatened. This is particularly the case where there are territorial claims by one country on the other or aspirations to the territory of one on the part of the other. The refugees can be judged by the receiving country as constituting a potential fifth column. Such events can lead to further serious deterioration of relations between the countries in question. It can even lead to conflict.

**Indochinese
Refugees**

As an example, we might consider the situation which is commanding international attention – the continuing exodus of people from the countries of Indochina. That exodus – tragic in its human proportions – is causing great strain on the countries providing first asylum to the refugees, and risks increasing further the instability of the region.

The number of Indochinese who have fled their countries of origin since 1975 has reached 900,000. Of these, 200,000 have been resettled in China and 300,000 primarily in the U.S.A. but also, in significant numbers, in France, Australia and Canada. A further 150,000 Cambodians are in Vietnam awaiting repatriation. As well, 265,000 Indochinese refugees are in temporary asylum in camps throughout South-east Asia.

Causes

What has caused these movements?

Cambodia

The atrocious conditions in Cambodia under the Pol Pot regime resulted in an outpouring to Vietnam and Thailand of approximately 190,000 people. Well-founded reports suggested a situation in Cambodia of seldom-paralleled barbarity. Killings had been indiscriminate and the population existed in a state of fear and misery. I might note that Canada took an unprecedented action in presenting a report on the situation to the UN Human Rights Commission and calling for an immediate investigation. Later at the UN General Assembly the Secretary of State for External Affairs urged that international opinion be brought to bear on the Cambodian Government for the sake of the victims of its actions.

The flow from Cambodia continues, but its nature has changed. The present conflict there involving Vietnamese troops and Cambodian Khmer Rouge forces continues to generate a major influx of Cambodians into Thailand. Some are supporters of the former Pol Pot regime, but others are helpless civilians caught up in the turmoil of the conflict.

Laos

In the case of Laos, some 140,000 of its people have fled to Thailand. It is little known in Canada that the Laotian Government, assisted by an estimated 50,000 Vietnamese troops garrisoned in Laos, has over the past several years conducted a systematic campaign against the hill tribe people. There have been persistent violations

of human rights in lowland Laos as well, particularly against the non-ethnic Laotians. An imposed restructuring of the Laotian economy, forced Labour camps and political indoctrination are all part of the picture. It is not surprising therefore that several thousand Laotians continue to leave their country each month.

Vietnam

But the aspect of the Indochina refugee problem that has seized the attention of the international community is the exodus of Vietnamese from their country in boats. It is true that the flight of those closely connected with the former south Vietnamese Government was anticipated after the fall of Saigon in 1975. What has come however as a shock to the international community and a blow to the ASEAN (Association of Southeast Asian Nations) countries of the region, is the dramatically increasing outward movement which dates from the spring of 1978. Early in 1978 it averaged 3,500 a month. By the end of the year it reached a level of 10-20,000 a month. It is now rising again. The estimated outflow for April was 25,000, and there are few signs that it will diminish in the immediate future. This is no minor phenomenon indicating localized discontent; it is an exodus. When a flow of people reaches these proportions, there must be something seriously wrong in the way in which they are being treated by their government.

Why the Exodus from Vietnam?

The situation in Vietnam is complex. The country has been disrupted by decades of warfare. It has recently suffered serious floods. There is a shortage of basic food staples and for a variety of reasons, the economy is in serious difficulty. Military activity has not ceased; Vietnam is engaged in military activity in Cambodia, and although open hostilities with China were short-lived, the tension on the border continues.

Are these factors the cause of the outpouring of refugees from Vietnam? It is our belief that while they are contributing factors, they are not at the heart of the problem. All evidence available to us indicates that human rights are being seriously disregarded in Vietnam and that there is a deliberate Vietnamese policy to rid the country of certain elements of its population.

The refugees face tremendous hazards in leaving. Many thousands have perished at sea, or as a result of attacks by pirates. It is a telling reflection of the situation in Vietnam that the prospect of such a fate should be more attractive than remaining at home. The precipitate outflow from Vietnam means that the refugees either will perish or will turn up unwelcome on the shores of countries which have their own serious social, political and economic problems.

Humanity demands that the countries of asylum take in the refugees and for the most part the response of the countries of Southeast Asia has been extremely generous. We might ask ourselves how Canadians would respond if thousands of individuals from any other country landed uninvited on our shores. With the increasing burden, and the resulting social and economic tensions, we are seeing an increasing tendency of the countries concerned to react less generously and to seek to discourage refugees from landing on their shores. The refugees then have no choice but to try another nearby country and, once again, to risk being rejected. A rigid policy on the part of

one country will cause predictable difficulties for others. Yet the refugees' fundamental right to leave must be respected, particularly as remaining, in the present circumstances, threatens their very survival.

**International
Response**

A situation of such magnitude in humanitarian and political terms demands, and is receiving, an international response.

The countries most concerned with the Indochina refugee situation include, of course, the countries in the Southeast Asian neighbourhood which are providing temporary asylum to the refugees; those which have traditionally resettled refugees; and those which are major financial supporters of UNHCR programs. These countries, of which Canada is one, met in December and January under UNHCR auspices in an attempt to develop a co-ordinated international response to the situation.

**UNHCR's
Traditional
Preference**

The UNHCR seeks as a first preference to return refugees to their country if circumstances permit or, alternatively, to provide for resettlement in neighbouring countries. In the case of the Indochinese refugees, it is unlikely that in the foreseeable future they will be able – or indeed willing – to return to their countries. Furthermore, for political and sociological reasons, it is not possible for the great majority of them to be resettled in the countries of first asylum. In fact, of those involved, only some proportion of the Laotians in Thailand would appear to be able to be temporarily resettled in their country of first asylum. The High Commissioner has had to seek resettlement places for most of the 265,000 in his care in camps in Malaysia, Thailand, Indonesia, Philippines, Singapore and Hong Kong.

It is clear, however, that the situation cannot be addressed only in terms of finding resettlement places. The High Commissioner for Refugees must, with the support of the international community, ensure that each refugee is provided first asylum in the country on whose shores, or at whose frontier, he has arrived. Each refugee must be protected against forcible return to the country he has just fled. Each must be provided with the food, shelter and medical care necessary to ensure his survival. The UNHCR must, subsequently, seek to obtain a final resettlement place for him.

**Vietnam's
Responsibility**

One must ask how the international community can respond in political terms to the problems created by Vietnam.

The answer is not easy to find. It is Vietnam's closest neighbours, the countries of the Association of Southeast Asian Nations – Indonesia, Thailand, Malaysia, Singapore and the Philippines – which are likely to have the greatest impact on the policies of their neighbour. The ASEAN countries are increasingly, but in low-key terms, drawing to Vietnam's attention the seriousness of the effects on them of Vietnam's policies. They speak too of Vietnam's responsibilities in terms of controlling the outflow and of managing the departures from the country in a civilized, humane way, not involving blackmail and danger. But they are also calling on Vietnam to create conditions from which people will not want to flee. They made these views known at a meeting in Jakarta May 15 and 16 which considered a proposal for an ASEAN refugee processing island. At that meeting, Canada and other countries also voiced their

concern. I might note that Canada made the same point at the UN General Assembly last December, urging that the Vietnamese Government make the necessary adjustments to its society to provide a place for each and every citizen.

**ASEAN Island
Transit Camp**

I will digress here to comment for a moment on the ASEAN processing island concept. It is an interesting proposal, and one which we support. But as presently envisaged, the island camp will have a limited effect in relieving the existing pressure on the countries granting first asylum, and therefore on encouraging a more generous response on their part. The Indonesian island will accept from UNHCR camps, especially those in Malaysia, up to 10,000 refugees who have already been processed and selected for resettlement in a third country, but who for lack of quota places in the resettlement country must wait in camps in Southeast Asia for a lengthy period. It will be used primarily for those destined for the U.S.A. The Americans, by making use of their quota commitments for future years, can process numbers beyond their present quota. This would relieve pressure on the existing first asylum camps.

The difficulty is that the Indonesian island camp will be limited to 10,000 refugees. Five times that number of pre-selected refugees could be moved to such a camp almost immediately. If, therefore, the number to be accommodated by the island processing camp were to be greatly expanded, or if other facilities of a similar nature were to be created, the concept could have a significant positive effect on the over-all situation. As I have mentioned, however, the broader problem must also be dealt with at its source, namely in Vietnam.

**Vietnamese
Response**

Earlier this year, Vietnam appeared to be partially responding to international opinion. After lengthy discussion initiated by Canada, Vietnam agreed to arrangements for procedures to facilitate the reunification of families of the 11,000 Vietnamese who have settled in Canada since 1975. The Vietnamese Government is demonstrating an apparent willingness to proceed with this important program. We greatly welcome these indications and hope that they will result in the earlier reunification of families too long divided. In a further positive development, Vietnam announced it would put an end to the outflow by sea by permitting an orderly movement of people, including family reunification, under the auspices of the UNHCR. This seemed to be a promising beginning. It does not appear, however, to be matched with domestic measures aimed at reassuring the large numbers of Vietnamese citizens that they have a place in their own country.

**International
Response to
Gross Violators
of Human
Rights**

I have commented at length on the refugee situation in Indochina as an example of the complexity of the issues that come into play in such a situation. I must say that we are frustrated at the inability of the international community to put an end to the systematic persecution which has created refugee situations in all parts of the world. Enforcement mechanisms do not exist. Prospects for reaching even broad agreement on the desirability of drawing international attention to bad situations are not promising. In realistic terms, the best we can do is marshal opinion and focus attention on the problem and its causes. In matters of conscience, an articulated expression of our concern, repeated and amplified throughout the world community, can be a potent influence. While not correcting the problem, it may curb its worst excesses.

Canada's Initiative

We feel particularly well-placed to concern ourselves with refugees and human rights because our country has responded generously to virtually every major refugee crisis since the Second World War. We have, since the War, taken in 350,000 refugees and displaced persons. We have also provided significant financing to the UNHCR for this important task. Our contribution in the five years from 1973 to 1978 totalled \$13 million. This year alone we are taking in 10,000 refugees and more through private sponsorship. We have allocated as much as \$4 million for support of the UNHCR and special refugee appeals and an additional \$5 million for international emergency relief for natural or man-made disasters. In addition we have contributed \$4 million to UNWRA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), \$8.5 million to UNICEF (United Nations Children's Fund) and \$95 million to the World Food Program, all of which respond substantially to refugee and other serious humanitarian situations.

Therefore, at the Human Rights Commission this spring we determined to explore on a humanitarian and non-political basis the question of refugee outflows and human rights abuses. We tabled a resolution which noted concern about large-scale exoduses and the human suffering they cause, as well as the problems they create for the international community. Our resolution called upon all states to alleviate the conditions which precipitate such exoduses and to find enduring solutions for such situations. It asked that the Chairman of the Human Rights Commission — who was, by the way, Canadian Ambassador Yvon Beaulne — to appoint a special rapporteur to investigate situations which had led to large-scale exoduses in order to determine possible relationships between violations of human rights and these exoduses.

The Canadian draft resolution was favourably commented upon in debate by a few western states but apart from those, it was received in silence. Countries were silent we believe, because they feared the implications of any such investigation given that refugee situations exist in all parts of the world. It was not possible to bring the resolution to a vote, but we plan to continue to explore it. The draft resolution did provoke discussion in corridors, and may thereby have exerted some moral pressure on the states of exodus.

Other Situations of Gross Abuses of Human Rights

In many countries human rights abuses occur but people cannot flee to tell the tale. They have either been imprisoned, killed or have disappeared. Increasingly, not only western countries but also some third world countries are coming to realize that the international community must in grave situations make its concerns felt. They are beginning, though very tentatively, to support "in camera" discussions, and subsequent contacts, with countries which appear to have serious human rights problems.

We hope that such contacts and subsequent investigations will become a matter of course. We hope that in the longer term, it will become inevitable, rather than exceptional, that the international community as a whole will take up the cause of victims of persecution.