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GENERAL

A/C.3/34/7
2 November 1979
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Thirty-fourth session
THIRD COMMITTEE
Agenda item 83

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Letter dated 30 October 1979 from the Permanent Representative
of the Socialist Republic of Viet Nam to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith for your information the following documents:

1. The Memorandum of Understanding between the Government of the Socialist Republic of Viet Nam and the Office of the United Nations High Commissioner for Refugees;
2. The statement by the Ministry for Foreign Affairs of Viet Nam on the question of refugees;
3. The speech made by Mr. Phan Hien, Head of the delegation of the Government of Viet Nam, at the Geneva meeting on the refugee problem.

I request that you have these documents circulated as official documents of the General Assembly under agenda item 83 of the thirty-fourth session.

(Signed) Ha Van Lau
Ambassador
Permanent Representative

ANNEX

1. Memorandum of Understanding, dated 30 May 1979, between the Government of the Socialist Republic of Viet Nam and the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the departure of persons from the Socialist Republic of Viet Nam

Following discussion held in Hanoi between representatives of the Government of the Socialist Republic of Viet Nam and a delegation of the Office of the United Nations High Commissioner for Refugees (UNHCR) from 26 February to 5 March and from 25 May to 30 May 1979, it is agreed that UNHCR will facilitate the implementation of the 12 January announcement by the Vietnamese Government to permit the orderly departure of persons who wish to leave Viet Nam for countries of new residence. Regarding the programme to implement such orderly departure, it is understood that:

1. Authorized exit of those people who wish to leave Viet Nam and settle in foreign countries - family reunion and other humanitarian cases - will be carried out as soon as possible and to the maximum extent. The number of such people will depend both on the volume of applications for exit from Viet Nam and on receiving countries' ability to issue entry visas;
2. The selection of those people authorized to go abroad under this programme will, whenever possible, be made on the basis of the lists prepared by the Vietnamese Government and the lists prepared by the receiving countries. Those persons whose names appear on both lists will qualify for exit. As for those persons whose names appear on only one list, their cases will be subject to discussions between UNHCR and the Vietnamese Government or the Governments of the receiving countries, as appropriate;
3. UNHCR will make every effort to enlist support for this programme amongst potential receiving countries;
4. The Vietnamese Government and UNHCR will each appoint personnel who will closely co-operate in the implementation of this programme;
5. This personnel will be authorized to operate in Hanoi and Ho Chi Minh City and, as necessary, to go to other places to promote exit operations;
6. Exit operations will be effected at regular intervals by appropriate means of transport;
7. The Vietnamese Government will, subject to relevant Vietnamese laws, provide UNHCR and the receiving countries with every facility to implement this programme.

2. Statement, dated 20 June 1979 by the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam on the Question of of Vietnamese Fleeing Abroad

1. Over the past 30 years, the imperialist and reactionary forces, from the French colonialists, and the United States imperialists to the Peking expansionists, have, while carrying out their anti-Viet Nam policy, used the so-called refugee question created by themselves to cover up their own crimes, undermine Viet Nam's international prestige, and foster opposition forces for long-term disruptive attempts against our people's just cause.

In 1954 when our people's first patriotic resistance war ended in victory, the imperialists and reactionaries organized, under the signboard of "God having gone south", a forcible migration of 1 million compatriots of ours from the north to the south.

In 1975, in face of the total collapse of the puppet administration, the United States imperialists, invoking the so-called "threat of a bloodbath" created by the Viet Cong, attempted to induce a forcible exodus of 1 to 2 million "refugees" from South Viet Nam. However, the rapid victory of the 1975 spring general offensives and uprisings of our people and armed forces prevented them from fully carrying out this criminal plan. Over 160,000 people were forced to leave, and not a small number of them met a tragic death in the chaotic situation then obtaining.

Following the complete liberation of our country, the United States imperialists and hostile forces embittered by our people's resounding victory sparked off a rather noisy anti-Viet Nam campaign about "human rights". With all kinds of distortions, deceptions, and perfidious devices, including the dispatch of ships off Viet Nam's coasts, they made every attempt to instigate and induce those elements who do not approve the new régime and those who fail to adapt themselves to the post-war life of hard work to leave Viet Nam, and they insisted on Viet Nam's letting those people go freely.

From early 1978 onwards, while overtly supporting the Pol Pot-Ieng Sary clique's efforts to step up the war of aggression against Viet Nam at its south-western border, the reactionary Peking ruling circles circulated reports about an "inevitable Sino-Vietnamese war", induced through coercion or instigation an exodus to China of hundreds of thousands of Hoa people, rigged up the so-called problem of Viet Nam's "persecuting and expelling Chinese residents", stirred up enmity and hatred between the two peoples and made preparations for a war of aggression against Viet Nam from the north. A fairly large number of those people had been organized and trained by the Peking reactionaries into spies, commandos, guides for the 600,000-strong army which invaded Viet Nam in February 1979. Despite their dismal defeat, the Peking reactionaries have not given up their annexationist design against Viet Nam, and their scheme of using the Hoa question to undermine the realations between Viet Nam and other South-East Asian countries.

They have continued pushing already-trained Hoa back to Viet Nam or to other South-East Asian countries to serve as a "fifth column", furthering new ventures to carry out their expansionist ambitions. Yet, they have impudently levelled against Viet Nam slanderous charges of expelling Hoa people and "exporting refugees" to other countries.

The cruel war of aggression waged by imperialism against the peoples of Viet Nam, Laos and Kampuchea turned millions of Vietnamese and hundreds of thousands of Lao and Kampuchean into refugees. The genocidal policy of the Peking expansionists and their henchmen in Kampuchea caused the death of 3 million Kampuchean, drove over 4 million to a hard-labour life, and forced hundreds of thousands of others, among them tens of thousands of people of Chinese descent, to seek asylum in Viet Nam and Thailand.

Facts have shown that the United States imperialists and the Peking expansionists are precisely the inducers of the "exodus" of hundreds of thousands of Vietnamese, Lao and Kampuchean, and they must be held fully responsible for the difficulties caused by the flow of illegally outgoing refugees to Viet Nam and a number of other South-East Asian countries. With millions of tons of bombs and shells, the United States imperialists committed monstrous crimes against the Vietnamese people, and left behind extremely serious economic and social consequences. With two wars of aggression from the south-west and at the northern border of Viet Nam, the Peking reactionaries have perpetrated against the Vietnamese people even more odious crimes than those of the Hitlerite Fascists. They have also perpetrated horrible crimes, massacring millions of Chinese in the course of a bloody power struggle. All deceptions and distortions are unable to write off the crimes of the United States imperialists and the Peking reactionaries against the peoples of Viet Nam, Laos, Kampuchea and other South-East Asian countries.

2. After almost half a century of unremitting fight for independence and freedom, the Vietnamese people have embarked on the reconstruction of their country and have recorded important achievements in the economic and cultural fields and in the stabilization and improvement of their living conditions. However, hardly had they come out of a 30-year war when they were confronted with the war of aggression and the crude hostile policy of the Peking reactionaries. Despite the many difficulties and hardships still ahead, the whole Vietnamese nation, united as one man, is determined to carry out production and fighting abreast, to build and defend effectively their beloved socialist fatherland, and to promote step by step a life of increasing welfare and happiness.

However, since the complete liberation of our country, a number of people have tried to flee and settle abroad. Apart from a great percentage of victims to the instigation and deception by the imperialists and the Peking reactionaries, these include persons who have failed to adapt themselves to the post-war difficult situation of the country, and to mix with the life of work in the new society, and also persons who wish to join their families abroad.

Any objective person will realize that the cause of the fleeing aboard of a number of Vietnamese lies in the aftermath of the United States imperialists aggressive war and neo-colonialist régime and the extremely perfidious schemes and tricks of the Peking expansionists and other forces hostile to Viet Nam.

As far as it is concerned, the Government of the Socialist Republic of Viet Nam has repeatedly expressed its comprehension with regard to the South-East Asian countries to which illegally outgoing Vietnamese have come and settled, and it is prepared to extend its utmost co-operation to the office of the United Nations High Commissioner for Refugees and the other South-East Asian countries with a view to finding a satisfactory solution to this problem.

On 12 January 1979, the Government of the Socialist Republic of Viet Nam announced that those people wishing to go abroad for family reunion or to earn a living would be permitted to do so in a legal manner after fulfilling all required procedures.

On 30 May 1979, the competent Vietnamese services reached agreement with the office of the United Nations High Commissioner for Refugees on a seven-point programme which has been made public and which aims at facilitating an orderly and safe departure of the above-said people. The office of the United Nations High Commissioner for Refugees undertakes to enlist support for this programme among recipient countries.

The correct, sensible and reasonable policy of the Government of the Socialist Republic of Viet Nam has elicited appreciation from broad sections of world public opinion. A number of Governments have taken a co-operative attitude in the implementation of this policy. It is necessary to point out that while everything is progressing favourably and the number of Vietnamese illegally leaving Viet Nam has been reduced, the Peking ruling circles and responsible persons in Washington have repeatedly put forth extremely odious distortions and slanders about the Vietnamese refugee problem in an attempt to stir up public opinion against Viet Nam. They have talked a great deal about the difficulties imposed on the South-East Asian countries while they themselves must be held responsible for those difficulties. They have urged the international community to intervene and called for the convening of an international conference on refugees ... while refusing to co-operate with the office of the United Nations High Commissioner for Refugees in the implementation of the understanding reached with a view to organizing a legal, orderly and safe departure for those who wish to leave. Obviously Peking and Washington want to side-track world public opinion which is condemning their policy of hostility to Viet Nam and their attempts to drive a wedge between South-East Asian countries and Viet Nam, to stop the former from co-operating with Viet Nam and UNHCR. The reactionary Peking ruling circles are strongly opposed to the implementation of the seven points agreed upon between Viet Nam and UNHCR. They want to maintain and step up the flow of "refugees" going out in an illegal and unorganized manner so as to use this question as an instrument to oppose Viet Nam, and to take advantage of this situation to send their men to South-East Asian countries to cause difficulties to the latter and to undermine peace and stability in this part of the world.

The Government of the Socialist Republic of Viet Nam strongly denounces and condemns this wicked design of the United States administration and the reactionary Peking ruling circles, and once again solemnly declares:

(a) Proceeding from the humanitarian policy of the Vietnamese Socialist State and in accordance with Vietnamese laws, the Government of the Socialist Republic of Viet Nam has decided to permit those Vietnamese who wish to go abroad for family reunion or to earn a living to do so in a legal manner after full compliance with the required procedures.

The organizers and inducers of illegal departures have been and will be punished according to the laws of the Socialist Republic of Viet Nam.

(b) The Government of the Socialist Republic of Viet Nam is of the view that full implementation of the seven-point programme agreed upon between the Vietnamese competent services and the UNHCR is the best step likely to lessen difficulties for Viet Nam and other South-East Asian countries concerned, and to meet the legitimate concern of justice-loving public opinion in the world.

The Government of the Socialist Republic of Viet Nam calls on the international community, first of all the recipient countries, to take a constructive and co-operative attitude with regard to the UNHCR, in order to implement the above-mentioned seven-point programme and to settle the problem of the refugees gathering in a number of South-East Asian countries.

(c) The Government of the Socialist Republic of Viet Nam is willing to attend a conference of directly concerned countries convened by the United Nations High Commissioner for Refugees with a view to discussing the implementation of the seven-point programme agreed upon between Viet Nam and the UNHCR. All other kinds of international conferences are merely designed to cover up the crimes of the United States imperialists and the Peking reactionaries, and to carry out schemes directed at the peoples of Viet Nam and the other Indo-Chinese countries, and to create obstacles to the efforts of UNHCR in the refugee problem.

(d) The Government of the Socialist Republic of Viet Nam will continue bilateral meetings with the South-East Asian countries concerned in a spirit of co-operation and mutual understanding and respect for each other's legitimate interests.

The Vietnamese people and the Government of the Socialist Republic of Viet Nam are confident that the above just position and correct policy will enjoy broad approval and support from the socialist, the non-aligned, and the peace- and justice-loving countries around the world.

3. Speech by the Head of the Government Delegation of the Socialist Republic of Viet Nam, Mr. Phan Hien, at the Geneva Conference on the Emigration Problem (20-21 July 1979)

The presence of the Delegation of the Socialist Republic of Viet Nam Government at this conference is another expression of the seriousness and good faith of the Vietnamese Government and people who wish to contribute actively to the success of the conference to help arrive at concrete and practical measures to settle the problem of emigrants.

We are facing a fact, an urgent situation which requires calm and correct assessment, and swift, timely action.

Viet Nam, heavily devastated by 30 years of war, was just beginning to heal the wounds of war when it was struck by disastrous natural calamities and was obstructed by new wars and many other difficulties hindering its peaceful reconstruction. In such a situation, it is not surprising that a number of people are leaving it to earn a living or reunite with their families elsewhere. The period after the Second World War saw similar emigrations from many countries. Even now emigrations are taking place in many other parts of the world, on a fairly large scale.

For four years now, since the complete liberation of Viet Nam, our Government has seen to it that people are provided with jobs, food and clothing and medicines in case of sickness, regardless of their past. It has done everything possible to eliminate unemployment and all social evils engendered by the old régime. This policy is for the benefit of people, a very humane policy. Regarding the more than 1 million persons in the south who collaborated with the old régime, there has been none of the predicted "bloodbaths".

With regard to those people who are leaving, we have thought about them a great deal, thinking of each person, each family, trying to find a satisfactory solution. We think that those Vietnamese, whatever their motivations, deserve pity rather than criticism. And in this spirit, we have had many discussions with the UNHCR Office and have agreed with it on a seven-point programme to ensure orderly and safe departures. These are:

1. Authorized exit of those people who wish to leave Viet Nam and settle in foreign countries - family reunion and other humanitarian cases - will be carried out as soon as possible and to the maximum extent. The number of such people will depend both on the volume of applications for exit from Viet Nam and on receiving countries' ability to issue entry visas;

2. The selection of those people authorized to go abroad under this programme will, whenever possible, be made on the basis of the lists prepared by

the Vietnamese Government and the lists prepared by the receiving countries. Those persons whose names appear on both lists will qualify for exit. As for those persons whose names appear on only one list, their cases will be subject to discussions between UNHCR and the Vietnamese Government or the Governments of the receiving countries, as appropriate;

3. UNHCR will make every effort to enlist support for this programme amongst potential receiving countries;

4. The Vietnamese Government and UNHCR will each appoint personnel who will closely co-operate in the implementation of the programme;

5. These personnel are authorized to operate in Hanoi and Ho Chi Minh City and, as necessary, to go to other places to promote exit operations;

6. Exit operations will be effected at regular intervals by appropriate means of transport;

7. The Vietnamese Government will, subject to relevant Vietnamese laws, provide UNHCR and the receiving countries with every facility to implement this programme.

This seven-point programme is an effort by Viet Nam and the UNHCR Office toward reducing the misery of those leaving and toward limiting the flow of illegal emigrants which may worsen the stagnation in South-East Asia.

We regret very much that South-East Asian countries are facing difficulties arising from this problem, a fact we do not wish for. We have conducted many bilateral or multilateral discussions with them to seek mutual understanding and ways to reduce such difficulties.

The emigration problem, since it concerns human lives, must be approached from a humanitarian angle, in a humanitarian spirit and with humanitarian methods. This conference should eliminate any political intrigues, any political schemes, wherever they may come from, any ill-meaning considerations more or less made vocal here, because these can only harm the conference, thwart the wish of the world's people, and entail grave consequences.

The Vietnamese Government always acts on a sincere co-operative, and constructive stand, it will do its best to join concerned parties in seeking a satisfactory solution to the problem.

In this spirit, the Vietnamese delegation proposes the following:

1. The Socialist Republic of Viet Nam is determined to continue close co-operation with the UNHCR Office to intensify the implementation of the seven-point programme to guide and regulate legal, organized, orderly departures. We hope this will prompt those people who are seeking to leave Viet Nam illegally to give up their ill-advised intention. Vietnamese law provides that illegal departures will be severely dealt with.

Regarding the suggestion for a processing centre for Vietnamese emigrants, we are ready to conduct concrete discussions with the UNHCR Office about the setting up of such a centre in order to help emigrants depart legally in an organized and orderly manner.

2. Aware of the difficulties caused to South-East Asian countries by the stagnation of emigrants, and in order to alleviate their burden, Viet Nam supports the proposal for more reception centres in a number of countries, for example in Guam for the United States, Okinawa for Japan and the Hainan island for China.

We also support the UNHCR Office's proposal for an increase in financial aid for the construction of processing centres on a number of islands in South-East Asia.

3. Viet Nam proposes that countries with greater means, like the United States and other developed countries, make bigger contributions in money, means and food and especially receive more emigrants.

Consideration must also be given to the setting up of air lifts and the deployment of more ships to quickly ferry emigrants from provisional camps to their places of final destination or to reception centres to help do away with the stagnation in South-East Asia.

4. We call on all other countries, all international organizations to play an active part in settling the problem.

5. We welcome and sincerely thank the UNHCR Office which, in its function, has made many efforts and has contributed in an important way to motivating other countries to increase their reception, pool more money and other means to help solve the problem. We highly appreciate the co-operation of UNHCR with Viet Nam in this matter, and look forward to his new efforts until the completion of his important work.

What with the heavy destruction wrought during the 30 years of war, we are facing many hardships and difficulties in rebuilding our country. But it is certain that the Vietnamese people, with their ardent patriotism, their sense of self-abnegation, their efforts and the great potentials of their country, and with the assistance of their brothers and friends on all continents, will succeed in building a peaceful, independent, unified, rich and strong Viet Nam.

Allow me to sincerely thank, on behalf of the Vietnamese Government and the Vietnamese people, all fraternal and friendly countries, the various United Nations bodies, mass organizations and international bodies for their active assistance to the Vietnamese people in coping with the aftermath of the war, restoring and developing the economy, and stabilizing and improving their living conditions. That is the most fundamental way to help solve the problem of emigration from our country.