

DRAFT
SUMMARY TRIP REPORT – VIET NAM AND CAMBODIA

September 25 – October 11, 2005

“It is easier to get results with an outstretched hand than with a closed fist.”

-- U.S. Ambassador Pete Peterson

“If you pursue the truth, you will frequently have to change your mind.”

-- Anonymous

SUMMARY

During the 17 days I spent in Vietnam and Cambodia, I covered extensive ground and met with more than 100 individuals, ranging from our U.S. Ambassadors, to United Nations High Commission for Refugees (UNHCR) representatives, to returnees from refugee camps in Cambodia to the Central Highlands and their families and those still living in Cambodian refugee camps, to religious figures including priests, pastors, ministers, and monks. My visit included pagodas and churches both new and old and those under construction. My trip began in Hanoi, and continued to the Central Highlands, where I visited three provinces; Dak Lak, Gia Lai, and Kontum. I traveled on to Ho Chi Minh City and ended my trip in Phnom Penh with visits to the UNHCR offices, refugee camps, and the Cambodian Documentation Center. In both countries I had informative meetings with representatives of non-governmental organizations who have worked on the ground there for many years.

The unprecedented openness and access granted by the Vietnamese government allowed me to learn much about conditions in the Central Highlands, as well as to see them firsthand. As an experienced human rights activist, I started out somewhat skeptical of what I would find. Mindful that I might be putting individuals at risk, I proceeded with caution and yet found that most everyone I encountered displayed a willingness to be open and helpful. Viet Nam is changing; it is not the former Soviet Union, Bosnia, Saddam's Iraq or even southeastern Turkey. Meeting with officials at all levels of government, from the national, provincial, district, and local village levels, I found an awareness about what is not working and a commitment to help those most in need. These meetings included open discussion of the political complications caused by misperceptions and disinformation and the need for openness and candor on all sides.

The situation of the native peoples living in the Central Highlands is very complex and has been manipulated over time by all involved, including actors in the United States. There continue to be persistent reports of Vietnamese government restrictions on religious freedom and other human rights abuses including detentions and physical abuse of asylum-seekers, actual or potential, by Cambodian and Vietnamese officials. In my many conversations there was no reference to any present violence or discrimination but rather just examples of abuses that had occurred many years ago. There is a very clear need to “ground truth” information from all sides.

Of the many returnees that I met in the three Highlands provinces, no one expressed any hint of recrimination or the types of abuses mentioned above. Those living in the Central Highlands, however, face obvious pervasive poverty and economic deprivation. The children I saw seemed to lack adequate nutrition and access to even basic services. For instance, I gave a loaf of bread to one little girl and she kissed it, carefully tucking it away for later, presumably to share with her family. Schools and health-care facilities looked to be inaccessible to many.

I met with several women who asked that I take their photographs to prove to their husbands who have been resettled in North Carolina that they are alive and well. These particular women do not wish to leave their homes and emigrate, yet their husbands have used their cases to suggest that the government was preventing them from leaving. The husbands have said publicly that their wives were subjected to harassment and, in one case, the threat of rape, illustrating the lack of ability to connect fact to rumor.

It seems clear that a small group of vocal activists is encouraging those living in the Central Highlands to travel to Cambodia to seek refugee status, an effort being led from the United States. Many men have acted on this disinformation campaign and the rumors of land to be given away or monies to be paid for sitting in a refugee camp in Cambodia, leaving wives and children behind. I believe the result is a clear case of reckless endangerment which destabilizes families and seriously jeopardizes women and their children, particularly their daughters, who in the absence of a father become especially vulnerable, even to human trafficking. One little girl I met had been pulled out of third grade to care for her younger siblings while her mother tapped rubber trees. Her father was a voluntary returnee and almost two years later she is still not back in school. This innocent child is suffering and could even end up being trafficked as the vicious cycle of politics and personal agendas takes its greatest toll on the lives of women and children.

Through meetings with the Women's Unions I saw how families in the Central Highlands can benefit immensely from microfinance programs involving agricultural cooperatives, intensive gardening projects, and other activities. I visited a number of such projects in urban areas that could be adapted for use in the Central Highlands. There is a real 'reaching out' to the neediest women by the Women's Union network that is very impressive. Clearly microfinance projects in the Highlands could almost immediately improve the quality of life of these peoples as well as offer a means to observe their condition and the status of their well-being.

Regarding religious freedom, it seems clear that people can build churches if they complete the official application/permissions process. There is an apparent disconnect, however, between some applications and approvals. This could likewise be helped by a "ground truth" approach on all sides. In the U.S., I received information that thousands of churches had been confiscated; while on the ground in Viet Nam, I met with pastors and ministers who put this number at 217. There is clearly no understanding of the Evangelical movement and the impetus that people in it feel to act on their newfound faith, and while anyone can preach and function as a minister, they are compelled to register as such with the authorities. This is a process that must be improved upon.

SUMMARY RECOMMENDATIONS:

VIET NAM:

1. Continue efforts to liberalize religious practice in general, and specifically pursue full implementation by officials at all levels in the Central Highlands of recent Vietnamese laws and decrees on freedom of religion, with broader reference to Viet Nam's obligations under the relevant international laws and covenants.
2. Actively facilitate the reunification of long-separated ethnic minority families by granting them earliest and priority issuance of civil documentation, passports, and other necessary authorizations and permissions so that they can pursue immigration opportunities with the relevant embassies/consulates in Viet Nam.
3. Grant wider access to UNHCR and foreign diplomatic and NGO staff in Viet Nam to returnees from Cambodia in the Central Highlands.
4. Work to ensure fuller participation by ethnic minority persons in the social and economic life of the Central Highlands, including the issuance of civil documentation, receipt of remittances from within Viet Nam and abroad, free travel within the country, and the granting of passports for foreign travel or emigration.

CAMBODIA:

1. Scrupulously respect at all levels of government its obligations under the UN Convention Relating to the Status of Refugees and international law with regards to asylum-seekers from Viet Nam, both at its borders and as regards access to UNHCR personnel and offices in Cambodia and the conditions of temporary asylum and detention.
2. In coordination with UNHCR, grant local and international NGOs open access to asylum-seekers from Viet Nam for the purposes of providing material and legal assistance.
3. Cease activities along its borders which have the effect of denying asylum-seekers access to status determination procedures in Cambodia.

UNITED STATES:

1. Continue to aggressively pursue expanding cooperation and engagement with the Vietnamese government on issues of religious freedom and human rights, making them issues of increased emphasis in bilateral relations.
2. With an emphasis on family unity, grant priority access and the most generous consideration possible to ethnic minority persons in Viet Nam seeking to join relatives in the United States and to other ethnic minority persons of concern, using parole authority where regular refugee and immigration processing are inadequate, both within and above and beyond the US-Viet Nam "Humanitarian Resettlement Program."
3. Provide funding to UNHCR and international and foreign NGOs working in Viet Nam to carry out humanitarian and development assistance projects in those Central Highlands villages to which ethnic minority asylum seekers have returned, and to similarly needy and affected areas.
4. So as to provide the most favorable processing mechanism possible for ethnic minorities and other persons seeking resettlement in the United States, establish a US voluntary agency Overseas Processing Entity (OPE) in Ho Chi Minh City.

U.N. HIGH COMMISSIONER FOR REFUGEES:

1. Work aggressively to restore to its functional agreements with the concerned governments the protections which prevailed for many years via the Comprehensive Plan of Action (CPA), specifically with respect to access to status determination procedures, the assurances of non-refoulement for persons recognized as refugees or requiring protection, and monitoring and reintegration mechanisms for former asylum-seekers after their return to Viet Nam, removing all threats of forced repatriation.
2. Urge the Vietnamese government to allow UNHCR to re-establish an expatriate-staffed resident representative mission in Viet Nam, building on the many accomplishments of UNHCR-Viet Nam through the CPA during the 1980s and 1990s.

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