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**The Indochinese refugee problem in Thailand: A political
analysis**

Harris, David Wald, Ph.D.

The George Washington University, 1994

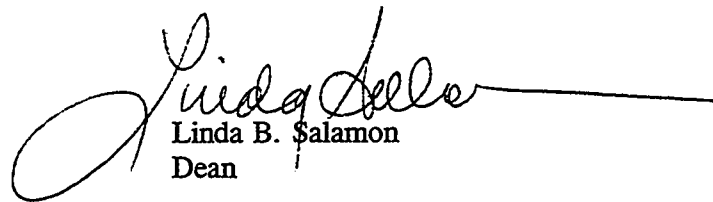
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THE INDOCHINESE REFUGEE PROBLEM IN THAILAND:
A POLITICAL ANALYSIS

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of the requirements for the degree of Doctor of Philosophy

January 31, 1994

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Dedicated to the Memory
of
Professor Harold C. Hinton

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**THE INDOCHINESE REFUGEE PROBLEM IN THAILAND:
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THE INDOCHINESE REFUGEE PROBLEM IN THAILAND: A POLITICAL ANALYSIS

PREFACE

Refugee Politics - A World Perspective

From time immemorial, natural disasters, such as drought and famine, and man-made disasters, such as civil strife and warfare, have caused people to flee their homes and seek refuge and relief in the lands of others. In modern times, the fruits of science and technology have offered the international community the means to alleviate, if not effectively forestall the effects of such calamities.

Modern means of mass communication have brought humanitarian concerns to the attention of the world public as never before; and modern means of transportation have made relief operations feasible in almost any corner of the globe. Such developments have quite obviously served to complicate the politics of both the countries from which refugees have fled and the countries in which they have sought asylum.

Prior to the Second World War, the legal status and proper treatment of refugees were matters largely left to the discretion of the governments of the host countries. During and after the war, however, it became quite evident that international coordination would be required to facilitate the repatriation or resettlement of millions of displaced persons and refugees throughout Europe. The United Nations General Assembly responded to this crisis by calling

for the establishment of a U.N. High Commissioner's Office for Refugees (UNHCR), as of January 1, 1951.¹

Six months after the establishment of the UNHCR, the General Assembly adopted a Convention relating to the status of refugees (July 28, 1951) and, following the deposit of the sixth notice of state ratification, the Convention entered into force on April 24, 1954. While earlier international instruments applied only to specific refugee groups, the Convention marked the first successful attempt by the world community to adopt universal legal standards which defined the status and proper treatment of refugees.² It should be noted, however, that the protection

¹General Assembly Resolution 319 (V), 3 December 1949.

The Statute of the UNHCR was adopted by the General Assembly on 14 December 1950 as an Annex to Resolution 428 (V). See UNHCR, "Statute of the Office of the United Nations High Commissioner for Refugees," Palais des Nations, Geneva, HCR/INF/1/rev. 2 (March 1969): 2.

The original mandate of the UNHCR was for only three years, but the General Assembly subsequently has extended it every five years and the Office has come to be recognized as the primary advocate and protector of the rights of refugees throughout the world. The UNHCR today employs about 2,000 staff members, working at UNHCR headquarters in Geneva and in 80 different countries. UNHCR, *Refugees*, published by the UNHCR Public Information Service, no. 79 (October 1990): 4.

²The Convention provided (Art. 1,A) that the term *refugee* "shall apply to any person... (2) As a result of events occurring before 1 January 1951 and owing to 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 of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

It also provided (Art. 33) that "1. No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers or 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.

"2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to

accorded by the Convention was to be applicable only to refugees who had fled their homelands prior to January 1, 1951; and this proviso quite obviously limited the Convention's applicability as an instrument of international law.

With the passage of time, it became abundantly clear that the phenomenon of large numbers of people being uprooted from their homes and obliged to cross international boundaries was by no means limited to the war years in Europe. Recurrent conflicts both within and between the newly independent nations of Asia and Africa, fueled to some extent by cold war rivalries between the Soviet and Western blocs, resulted in large-scale population displacements of great magnitude and long duration. In order to meet the challenges posed by the post-war generation of refugees, the General Assembly adopted a Protocol (Resolution 2198 (XXI) of December 16, 1966) which specifically removed the time limitation in the Convention's definition of protected persons and also stipulated that the definition be applied "without any geographic limitation." The Protocol was deemed to have entered into force following the accession of six governments on October 4, 1967.³

the community of that country." UNHCR, *Convention and Protocol Relating to the Status of Refugees*, HCR/INF/29/rev. 3, UNHCR, United Nations, (1979): 12, 25.

In addition, the Convention stipulated (Art. 35: 1,2) that signatory states would be obliged to cooperate with the UNHCR or any successor U.N. agency in fulfilling its functions and were specifically required to provide "the competent organs of the United Nations... information and statistical data requested concerning (a) the condition of refugees, (b) the implementation of this Convention, and (c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees." *Ibid.*, 25-6.

³*Ibid.*, 41.

Though the Protocol of 1967 significantly broadened the scope of refugee status, many refugee groups still remained excluded from its protection: As was the case with the Convention, the Protocol accorded the status of *refugees* only to those persons who had left their homeland owing to a "well founded fear of being persecuted." Those persons who had been uprooted as a result of civil strife or natural disaster could not claim that they had been motivated by such fear and so were not entitled to the Protocol's protection.⁴

Recognizing both the limitations of the Protocol and the pressing need to cope with recurring large-scale refugee migrations on their continent, the member states of the Organization of African Unity (OAU) adopted the "Convention Governing Specific Aspects of Refugee Problems" (1969). The OAU Convention broadened the categories of persons to be accorded refugee status by including persons who have fled their homes owing to violence of any kind or to escape foreign domination, whether or not they are in fear of persecution. The Convention also maintained that the granting of asylum should not be regarded by any state as an unfriendly act; and stipulated that no person should be refused entry at the frontier of any member state or returned against his will to a territory where his life or liberty would be threatened.⁵

⁴ It should also be noted that there was no provision in either the Convention or the Protocol which affirmed the right of a refugee to cross a border in quest of asylum: A State was required to provide asylum only to those persons found in its territory and was not obliged to accept refugees residing outside of its frontiers. See "Part II: International Protection & Assistance," in U.S. Committee for Refugees, *1978 World Refugee Survey Report*, a program of the American Council for Nationalities Service (Washington: USCR, 1979): 36.
⁵ *Ibid.*

While the right of sanctuary has long been enshrined in the legal traditions of the nations of Europe and Latin America, such a tradition has generally been lacking among the nations of Asia. In this context, we may note that, to date, a total of 107 nations have ratified the U.N. Convention of 1951 and/or the Protocol of 1967, but, of all the states of Asia and Southeast Asia, only China, Japan, the Philippines, and Papua New Guinea have done so.⁶

In recent years, even as the tensions of the cold war have waned, regional conflicts, drought and famine have dramatically increased the number of refugees, particularly in the Middle East and South Asia. According to one authoritative source, the estimated number of asylum seekers throughout the world increased from about 10 million in 1985 to 11.7 million in 1986, 13.3 million in 1987, 14.4 million in 1988, and 15.1 million in 1989.⁷ By the beginning of 1991, there were an estimated 16.7 million people accorded asylum in foreign lands, including 9.8 million in the Middle East and South Asia (of whom are some 6.5 million Afghans living in Pakistan and Iran), 5.4 million in Africa (including about

"In 1967, the U.N. General Assembly unanimously adopted the Declaration on Territorial Asylum which reiterates the principle of non-refoulement (non-expulsion) and adds that no person shall be subjected at the frontier of the territory in which he seeks asylum to expulsion or compulsory return to any state where he may be subjected to persecution. The Declaration further states that the granting of asylum is a peaceful, humanitarian act which should not be regarded by any states as unfriendly. This document, though not legally binding, serves to crystallize internationally, certain principles regarding territorial asylum which have been adopted on a regional basis in the 1969 Organization for African Unity Convention on the Specific Aspects of Refugee Problems in Africa. *Ibid.*, 40.

⁶ For a list of signatories and non-signatories to the Convention and Protocol, see USCR, *World Refugee Survey: 1991*, (Washington, D.C., 1992): 31.

⁷ Derived from "World Refugee Statistics" tables in the *World Refugee Survey* of 1985, 1986, 1987, 1988, and 1989.

3.1 million in the states of Ethiopia, Malawi, Sudan and Zaire), 737,600 in Europe and North America (including about 178,000 Iranians and Iraqis living in Turkey), some 119,000 refugees in Latin America and the Caribbean; and 592,100 in the states of East Asia and the Pacific (of whom about 454,200 or 77 percent were Indochinese refugees in Thailand).⁸

The Indochinese Refugee Migration to Thailand

One of the largest population movements since the Second World War occurred in Southeast Asia in the aftermath of the Vietnam War. During the spring of 1975, the communist conquests of South Vietnam, Cambodia and Laos gave rise to an outflow of refugees from those states which has come to total over 1.6 million people and has continued without interruption until today. Owing to her proximity to Indochina, her relative prosperity and stability, and her longstanding Buddhist traditions of tolerance and sanctuary (in fact if not in law), Thailand became the preferred haven of asylum for well over half of the total of all Vietnamese, Cambodians and Laotians who fled their homelands.

Since Thailand has not been a signatory to either the U.N. Convention or the Protocol on the Status of Refugees, the Royal Thai Government (RTG) has considered itself free to exercise, as circumstances may warrant, any of the traditional prerogatives which sovereign states have enjoyed in dealing with foreigners on

⁸ Derived from "World Refugee Statistics," Table I: "Refugees and Asylum Seekers in Need of Protection and/or Assistance As of 31 December 1990," in *World Refugee Survey, 1991*, (1991): 33.

their territory. Such prerogatives range from granting immediate and full citizenship to asylum seekers, to absolute refusal of entry and expulsion of all persons who have entered illegally.⁹ Between these two extremes, of course, the state may offer asylum-seekers temporary refuge, pending their eventual integration into the society of the host country, their resettlement in other countries, or their voluntary or forced repatriation to their home country.

Thailand's leaders regarded the influx of large numbers of largely destitute aliens on their territory as posing not only a heavy, long-term burden on the country's limited administrative and material resources, but also as a serious threat to national security insofar as the presence of the refugees served to complicate relations with the neighboring communist regimes. In effect, there were four primary groups of Indochinese refugees seeking asylum in Thailand - each of which were perceived by the Thais as posing a distinct set of challenges to Thailand's interests owing to the differing cultural, historical and strategic relationships existing between their respective nations and the Thais: There were Vietnamese coming by sea from their homeland or overland via Cambodia and Laos; Lao fleeing across the Mekong River border;

⁹ The most striking example of the former policy is Israel's "Law of Return," under which any Jew who wishes to reside in that country is entitled to immediate citizenship.

Of the hundreds of thousands of Indochinese who have entered Thailand, only about 600 ethnic Htin and Hmong from Laos were allowed to leave a displaced person camp and settle permanently on Thai territory in 1984. As of the end of 1991, some 1,799 hilltribe people in the Ban Nam Yao camp have been awaiting settlement of their claim to Thai citizenship. W. Courtland Robinson, "Laotian Refugees in Thailand: The Thai and U.S. Response, 1975 to 1988," in *Laos: Beyond the Revolution*, ed. by Joseph J. Zasloff and Leonard Unger (New York: St. Martins Press, 1991), 233.

the so-called "hilltribe" people, predominantly Hmong (also known as Meo), fleeing from Laos; and Khmer fleeing from Cambodia.

Each successive wave of these refugees was a manifestation of the struggle for power within and between the newly established communist regimes of Indochina and the Thais were very much aware that the manner by which they chose to deal with each group of people was inextricably linked to their efforts to come to terms with the new realities of power in Southeast Asia. They were also well aware that if they failed to address basic humanitarian concerns in their treatment of the refugees, they might jeopardize their relations with the United States, Japan, and the nations of Western Europe, upon whom Thailand was heavily dependent for economic and military assistance, trade and investment capital.

We can see therefore that, even aside from the fact that great numbers of refugees were seeking asylum on Thai soil, Thailand's experience is of special interest to the student of the politics of refugee migrations owing to the extraordinarily wide range of often conflicting considerations which have gone into the making of her policies toward the refugees during a very difficult period of her modern-day history.

Thesis Statement

The fact that the U.N Convention of 1951 and its Protocol Relating to the Status of Refugees (1967) have been accepted by an overwhelming majority of the members of the world community - 107 states to date - has meant that the provisions of these instruments have come to be regarded as statements of settled inter-

national law, definitions of legal norms which all states are obliged to observe. Yet, as we have noted, unlike practically all of the nations of Africa, Europe and the Americas, most of the nations of Asia have thus far declined to accede to the Convention and Protocol.

It is clear that the reluctance of most Asian leaders to accept normative legal obligations towards refugees stems from the fear that, given the unique cultural and political conditions of their region, such obligations would unduly constrain their ability to cope effectively with an array of serious political, economic, security, and diplomatic problems which would likely attend the arrival of large numbers of largely destitute asylum-seekers on their territory or in their territorial waters. It is the purpose of this dissertation to ascertain whether or not this fear can be justified in light of Thailand's experience with the various migrations of Indochinese refugees.

Among the nations of Asia which have declined to be bound by the Convention and Protocol, Thailand has received by far the largest numbers of asylum-seekers from Cambodia and Laos and a very substantial number of those fleeing from Vietnam. Both in terms of their numbers and their ethnic diversity, the Indochinese refugees have posed greater and more varied challenges to the Thais than to any other nation in the region.

Thus, if it can be demonstrated that the Thais could still have achieved their legitimate policy objectives even if they had observed the legal protections accorded refugees by the Convention and Protocol, it would have been far easier to persuade Thailand and other

Asian countries to accede to these instruments and thereby expand the aura of respect for, and compliance with the humanitarian standards they contain.

If, on the other hand, our analyses demonstrate that Thailand's essential interests could not have been secured had her leaders been bound to observe the provisions of the Convention and protocol, it must be concluded that the leadership of Thailand and other countries of first asylum in Southeast Asia have been correct in rejecting the Convention and Protocol and that other approaches, more in accord with the political, economic and cultural realities of the region, must be attempted in order to promote the more humane treatment of refugees.

It is our purpose in this dissertation, therefore, to test the proposition that *Thailand could have pursued her essential national interests as effectively as she did even if she had recognized the status and protections due refugees under international law, as defined by the U.N. Convention and Protocol Relating to the Status of Refugees.*

We shall regard the term, "essential national interests," as encompassing three basic objectives which may be presumed to be of primary concern to the government of any state.¹⁰ These are, in order of importance: 1) the preservation of the security and terri-

¹⁰ The definition of "national interest" has long been the subject of debate among political scientists. While the term *nation* is often used as a synonym for *state* or *country*, such usage is not technically correct. In fact, as one scholar has noted, "the concept of a nation is not political at all but social. A nation can exist even though it is not contained within a particular state or served by a given government. A nation exists when there is a union of people based on a linguistic pattern, an ethnic relationship, cultural similarities,

torial integrity of the state; 2) the promotion of the economic viability or well-being of the inhabitants of the state; and 3) the maintenance or enhancement of the moral prestige of the state so that it might more readily obtain the cooperation of other members of the international community.

The Security Factor: In assessing the relationship existing between the security concerns of Thai policy-makers and their attempt to cope with the arrival of large numbers of Indochinese refugees, we must take into account how the Thais regarded the new realities of power in Southeast Asia, resulting from the emergence of the Soviet-backed communist regimes from which the refugees were fleeing. In particular, we must be aware of the Thais' perception of the presence of sizeable military forces of their traditional rivals, the Vietnamese, in the central provinces of Laos during the early years of the Indochinese refugee migrations and, most important of all, their view of the Vietnamese invasion of Cambodia in 1978-79 and the occupation of that country by Vietnamese troops during most of the period under study.

The Economic Factor: Apart from their fear that, at the very least, the incoming refugees would unduly complicate their country's relations with the emerging communist regimes, the Thais were also

or even simple geographic proximity." Leon P. Baradat, *Political Ideologies: Their Origin and Impact* (Englewood Cliffs, N.J.: Prentice Hall, 1979), 37-8.

It is quite obvious that the *interests* of a given social entity called a *nation* need not necessarily be synonymous with the interests of the *state* or government which may purport to represent that nation. For the purpose of our inquiry, therefore, we shall limit our definition of "national interests" to those vital objectives of the state or the governmental institutions representative of the state, which exercise authority over a given geographical area, such as Thailand.

very much concerned with the impact the presence of increasing numbers of largely destitute aliens on their territory for a lengthy period of indefinite duration might have on Thailand's national economy. During the early years of the migrations, before substantial foreign financial assistance for the care of the refugees had been assured, Thai officials repeatedly expressed concern that an unchecked influx of refugees would soon result in an unacceptable drain of Thailand's limited economic and administrative resources. Even after extensive refugee relief operations had been funded by foreign donors under the auspices of the UNHCR and a large-scale resettlement program had been initiated by the United States, France and other western nations, official Thai spokesmen continued to complain of the burden the presence of the refugees was placing on the economic life of the country.

The Moral Prestige Factor: In response to the extension of Vietnamese military power into neighboring Laos and Cambodia, Thai leaders appealed to the United States, China, and other friendly powers for military assistance and diplomatic support to ward off the threat of possible aggression. Less than a decade later, they also embarked on an ambitious program to attract investment and technology transfers from the advanced industrial nations in order to promote the rapid expansion of the manufacturing sector of Thailand's economy.

While it was clearly in the interest of the United States and other friendly countries to help Thailand deter the expansion of Viet-

nameese-Soviet power in Southeast Asia and to share in the benefits of Thailand's economic growth, their relations with Thailand could not help but be affected, for better or for worse, by their view of the policies which the RTG devised to deal with the Indochinese migrations. Indeed, Thailand's responses to such highly publicized and emotionally charged issues as those arising from the migrations were likely to affect not only her relations with states upon which she was dependent for military and economic support, but her moral standing within the world community at large. Thus, Thai policy makers were well aware that their freedom of action in formulating refugee policies, which they perceived as being in accord with their own political and moral imperatives, would have to be constrained to some extent by moral judgements made by other members of the international community.¹¹

¹¹ In assessing the dynamics of the interplay of the behavioral norms of different nations with respect to a given political issue, one scholar has observed that "Depending upon how two nations see the situation in which they find themselves, they may select and apply different norms, supporting different behavior, although the total value system of the parties in the abstract may be fairly similar. The definition of the situation which determines the applicable norms introduces many kinds of non-normative factors, such as a nation's culture, environment, and historical experience. How nations view each other or their situations is the result of many factors in which moral norms may be quite irrelevant..."

"... The behavior of nations indicates that most of the time interests, judged generally apart from and sometimes in deliberate disregard of moral norms, have been decisive in shaping behavior... When, historically, international behavior conformed to moral norms, there may have been no conflict, or else it is more likely that interests and ulterior motives demanded such conformity that the force of morality produced it." Werner Levi, "The Relative Irrelevance of Moral Norms in International Politics," in *International Politics and Foreign Policy*, rev. ed., ed. James N. Rosenau (New York: Free Press, 1969): 197, 198.

Dissertation Strategy

In order to adequately analyze any political issue or problem, the political scientist is first obliged to gather data pertaining to the significant events and circumstances relating to the problem and then to attempt to find patterns of consistency or inconsistency in the data, upon which to base hypotheses or conclusions. Accordingly, in this dissertation, we have been obliged to construct a history of the events and circumstances which *may* relate to the treatment accorded by the Royal Thai Government to each of the four primary groups of Indochinese refugees.

Our objectives in analyzing the historical data are twofold: 1) to define the primary determinants of Thai policy towards each of the primary groups of Indochinese refugees; 2) to assess the validity of our thesis, i.e. that *Thailand could have effectively pursued her essential interests, pertaining to her security and economic development, even if she had been bound by the provisions of the U.N. Convention and Protocol;*

Literature Review

In order to help us understand the context within which Thailand responded to the influx of Indochinese refugees, our preliminary research focused on material concerning the historical, cultural and economic factors which have shaped the development of Thailand as a nation-state. Of special interest were the insights found in the following historical texts: *The Vietnamese of Thailand:*

A Historical Perspective by Peter A. Poole,¹² which traces the cultural and political rivalries existing between the Thai and Vietnamese peoples from the days of their common origin in ancient China until modern times; "Political History" by Dr. Chai-Anan Samudavanija,¹³ which discusses the Hindu-Buddhist heritage of the Thai monarchy; and "Political Institutions and Processes" by Suchit Bunbongkarn,¹⁴ which describes the changing role of the Thai monarch down through the centuries.

We next sought out data pertaining to the factors which have enabled the Thais, unlike their neighbors, to maintain their national independence even during the heyday of the struggles between the European imperial powers for hegemony in Southeast Asia. We found of special value the insights presented in "The Politics of Passivity" by Donald Hudley,¹⁵ and several passages in *Political Conflict in Thailand: Reform, Reaction, Revolution* by David Morell and Dr. Chai-Anan Samadavanija.¹⁶ The latter work also offered a great deal of valuable data concerning contemporary Thai politics.

In considering the nature of Thailand's contemporary political institutions, Dr. Chai-Anan's monograph, "The Bureau-

¹² Ithaca: Cornell University Press, 1970.

¹³ Found in *Government and Politics of Thailand*, ed. Somsakdi Xuto, (Singapore: Oxford Univ. Press, 1987), 1-40.

Dr. Chai-Anan is a Professor of Government at Chulalongkorn University. (Note: It is customary to refer to a Thai person by his or her first name, rather than family name).

¹⁴ Found in *ibid.*, 41-74.

¹⁵ Found in *Modern Thai Politics: From Village to Nation*, ed. Clark D. Neher, (Cambridge, Mass: Shenkman Pub. Co., 1976), 83-111.

¹⁶ Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1981.

cracy,"¹⁷ was of value in describing the "military-bureaucratic" elite which has dominated Thai politics since the overthrow of the absolute monarchy in the Revolution of 1932. Also of value in understanding status relationships within the Thai bureaucracy was an essay by James C. Scott, entitled "Corruption in Thailand."¹⁸

One source which was of special value in tracing the history of Thailand's relations with the United States, particularly during the period of the Vietnam War, was R. Sean Randolph's *The United States and Thailand: Alliance Dynamics, 1950-1985*.¹⁹ Several other sources also provided valuable insights into the nature of Thai diplomacy and Thailand's relations with the United States: These included an essay by Chai-Anan Samudavanija and Sukhumbhand Paribatra, "In Search of Balance: Prospects for Stability in Thailand during the Post-CPT Era;"²⁰ an essay by Wiwat Mungkandi, "Thai-American Relations in Historical Perspective;"²¹ and David Joel Steinberg's *In Search of Southeast Asia: A Modern History*.²²

Several sources were of value in tracing the involvement of the Association of Southeast Asian Nations (ASEAN) in the diplomatic history of the region: These included *ASEAN and the Diplomacy of Accommodation* by Michael Antolik,²³ ; and essays by Frank Frost,

¹⁷ Found in *Government and Politics of Thailand, supra*.

¹⁸ Found in *Modern Thai Politics, supra*, 344-366.

¹⁹ Berkeley: Institute of East Asian Studies, Univ. of California, 1986.

²⁰ Found in *Durable Stability in Southeast Asia*, edited by Kusuma Snitwongse and Sukhumbhand Paribatra. Singapore: Institute of Southeast Asian Studies, 1987, 187-233.

²¹ Found in *United States-Thailand Relations*, edited by Karl D. Jackson and Wiwat Mungkandi. Berkeley: Institute of East Asian Studies, Univ. of California, 1986, 3-23.

²² Honolulu: Univ. of Hawaii Press, 1985.

²³ New York: M.E. Sharpe Inc., 1990

“Introduction: ASEAN Since 1967 - Origins, Evolution and Present,” Tim Huxley, “ASEAN Security Cooperation - Past, Present and Recent Developments,” and Carl A. Thayer, “ASEAN and Indochina: The Dialogue.”²⁴ Also of value were essays by Allan Gyngell, “Looking Outwards: ASEAN's External Relations,” Roger Irvine, “The Formative Years of ASEAN: 1967-1975,” and Michael Richardson, “ASEAN and the Indochinese Refugees.”²⁵ Other valuable sources of reference were *ASEAN and the Security of South-East Asia* by Michael Leifer;²⁶ *The ASEAN States and Regional Security* by Sheldon W. Simon;²⁷ and *South East Asia Divided: The ASEAN-Indochina Crisis*. by Donald E. Weatherbee.²⁸

A major focus of our research was on the construction of a history of the political and economic developments in Southeast Asia which gave rise to the various Indochinese refugee migrations and on the policy responses of Thailand and other countries of first asylum to these migrations. In this effort, we relied heavily on the chronological compilations of international press reports about events in the various nations of the region, contained in *Keesing's Contemporary Archives* and *Facts on File*, as well as reports in the authoritative regional journal, the *Far Eastern Economic Review*, which offered several valuable feature articles on the Indochinese refugee migrations by its Asian correspondents, Nayan Chanda and

²⁴ Found in *ASEAN Into the 1990s*, edited by Alison Broinowski. New York: St. Martin's Press, 1990, 1-31, 83-111, 138-161.

²⁵ All three found in *Understanding ASEAN*, edited by Alison Broinowski. New York: St. Martin's Press, 1982, 115-143, 8-36, 93-114..

²⁶ London: Routledge, 1989.

²⁷ Stanford, CA: Hoover Institution Press, 1982.

²⁸ Boulder: Westview Press, 1985.

Richard Nations. Feature articles by newspaper correspondents based in Southeast Asia, most notably William Branigan of the *New York Times* and Henry Kamm of the *Washington Post*, also contributed a great deal to our understanding of the migrations.

The statistical reports issued periodically by the Office of the United Nations High Commissioner for Refugees (UNHCR) from its Geneva headquarters or its branch office in Bangkok were an invaluable source of data required to track the movement of refugees; and a study by a group of Thai scholars, *Research Report on the Vietnamese Army Deserters* (July, 1987)²⁹ was of particular value in that it was one of the very few sources of information concerning Vietnamese refugees arriving into Thailand overland from Cambodia and Laos.

Since our thesis is concerned with the efficacy of the policies adopted by the RTG to deal with the various waves of Indochinese asylum seekers, we were obliged to devote a great deal of attention to the construction of a history of Thai refugee politics; and, owing to the absence of any official chronology of RTG policy deliberations and decisions, this proved to be the most difficult task encountered in the preparation of this dissertation.

Since the inception of the influx of Indochinese refugees in 1975, ultimate responsibility for the formulation, coordination, and monitoring of the implementation of refugee policy has been vested in the RTG National Security Council (NSC) under the administrative

²⁹ Institute of Asian Studies, Chulalongkorn University, Asian Studies monograph no. 037 (Bangkok: IAS, July 1987).

control of a Secretary General, appointed by the Prime Minister.³⁰ All important decisions concerning official refugee policy appear to be made by a small number of the members of the NSC, deliberating in closed meetings; and only rarely are the subjects of such discussions raised in public sessions of the Thai parliament or its committees.³¹ Announcements of NSC policy decisions were generally made by the Secretary General or, to a lesser extent, by the Chief of Staff of the Supreme Command of the Royal Armed Forces or the Minister of the Interior.

In the absence of an official register of NSC decisions, we had to rely on a variety of unofficial sources for such information,

³⁰ When the NSC is in formal session, it is headed by the Prime Minister. The membership of the Council includes the Chief of Staff of the Supreme Command of the Royal Armed Forces, the Chiefs of Staff of the Royal Army and Royal Navy, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary for Foreign Affairs and the Director General of the Political Department of the Ministry of Foreign Affairs, and, whenever their presence is required, the Permanent Secretaries of Public Health, Agriculture, and other RTG ministries. (Information obtained in an interview with Flight Squadron Leader Prasong Soonsiri, former Secretary General of the NSC (1975-89), Dursit Thani Hotel, Bangkok, 29 August 1990).

³¹ It was originally proposed that this dissertation utilize an application of an analytical decision-making model devised by Professors Richard W. Mansbach and John A. Vasquez and detailed in their seminal work, *In Search of Theory: A New Paradigm for Global Politics* (New York: Columbia Univ. Press, 1981). Application of the model would require a detailed survey of the views of a very wide range of Thai and foreign officials involved in decision-making with respect to refugee politics in Thailand.

It is indicative of the sensitivity of the RTG with respect to Thai policy toward the refugees that the governmental agency responsible for monitoring research in the country, the National Research Council of Thailand (NRCT), refused to grant permission for the proposed survey. Five months after the application was made, the NRCT replied that "After careful consideration of (the) research proposal, we are sorry to inform you that due to the present situation in Thailand, we are not in the position to favor this kind of study..." (Letter to the writer, dated 13 August 1990). Key Thai officials involved in policy-making are quite naturally reluctant to discuss any matter which might embarrass the Government or be used by outside interests to influence policy with respect to such a delicate, ongoing matter as the Indochinese refugee problem.

most notably, *A Study on Management and Resettlement of Indochinese Refugees in Thailand* (May 1989) and *Indochinese Refugees in Thailand: Prospects for Longstayers* (December 1989), both edited by Dr. Vitit Muntarbhorn.³²

Other accounts of Thai refugee policies were derived from policy statements by Thai officials, as reported in the Thai English language newspapers, the *Bangkok Post* and *The Nation*³³ and the international press; from information provided in a few, infrequent official RTG publications on the Indochinese refugee problem;³⁴ and from official addresses made to conferences of foreign relief agencies concerned with the refugee problem.³⁵

We were able to find only a few scholarly accounts of the evolution of Thai refugee politics; and one of the most interesting and informative was "Laotian Refugees in Thailand: The Thai and

³² Both of these works were published by the Public Affairs Institute of the Public Affairs Council of Thailand, a private association of Thai scholars, officials and businessmen, based in Bangkok.

Dr. Vitit, a Professor of International Law in the School of Law of Chulalongkorn University, is one of the few Thai or foreign scholars who have had access to official Thai policy directives pertaining to the Indochinese refugees.

³³ Since neither of these are indexed newspapers of record, we were obliged to sift through each of the annual files of clippings under the heading of "refugees" in the libraries of the *Bangkok Post* and the Indochinese Refugee Information Centre of Chulalongkorn University in Bangkok.

³⁴ Such sources used in this study were RTG Ministry of Interior, *Turn Not Your Eyes Away: Displaced Persons from Indochina in Thailand*, (Bangkok, September 1977), and *The Unfair Burden*, RTGMOI Operations Centre for Displaced Persons (September 1979), and Thai Sub-Committee on Public Relations and Coordination Concerning Relief Assistance to Kampuchean Illegal Immigrants, *Questions and Answers Concerning the Problem of Displaced Persons From Indochina* (Bangkok, June 1981).

³⁵ See, for example, the remarks of Dumrong Soonthornsaratoon, the Director of the Operations Centre in RTGMOI, *Seminar on Displaced Persons in Thailand*, 22 September 1977, *Rose Garden Hotel, Nakom Pathom*, (undated).

U.S. Response, 1975 to 1988" by W. Courtland Robinson (1991).³⁶ Another valuable source was a report by a U.S. congressional study mission undertaken in July 1991, which provides a great deal of information on the history and long-term prospects of the Lao and Laotian hilltribe refugees in Thailand.³⁷

Even when official policy pronouncements have been made public by the central RTG authorities, significant differences may be observed between the policies as announced and the policies actually implemented in the provinces to which refugees were migrating or in which they were being detained. Such discrepancies were largely the result of the wide measure of discretion exercised by certain provincial governors, some with strong ethnic or other ties to the refugees, who felt themselves only nominally responsible to the RTG Ministry of Interior.³⁸

³⁶ Found in ed. Joseph J. Zasloff and Leonard Unger, *Laos: Beyond the Revolution*, (New York: St. Martin's Press, 1991).

³⁷ U.S. Congress, House of Representatives, Committee on Foreign Affairs, "Refugees and Asylum-Seekers from Laos: Prospects for Resettlement and Repatriation," report of a study mission to Thailand and Laos, July 5-9, 1991, (Washington: U.S. Government Printing Office, September 1991).

³⁸ ³⁷²⁷ As one student of Thai government has noted, "... The higher the post an official occupies, and the more secure his connections in the elite, the more easily he may violate regulations when it suits him. Lower officials, by the same token, understand that formal regulations are residual, in the sense that they may be contravened on the personal authority of a superior.

"The formal rules of the Thai bureaucracy are thus inadequate as a guide to the actual behavior of officials, for they ignore the personal links that determine what superiors may expect of subordinates and vice versa...

"It has been common to regard the personal quality of authority and the corruption associated with it as vestigial remains of traditional Thai norms. This interpretation has some justification inasmuch as the distinction between personal and official roles is rarely a sharp one in traditional settings. What seems more important in the Thai context, however, is the fact that the political structure of the state has both facilitated and reinforced the role of personal ties. If the elite were more broadly based, if extra-bureaucratic agencies were more powerful, or if a mass electorate controlled the choice of the top elite, the demands for certain policies and standards of performance would become difficult to resist. As it is,

One recent study by a group of Thai scholars has remarked upon this phenomenon with the observation that

While it is possible to track Thai policy without great difficulty, one should bear in mind the fact that its application varies from group to group, from area to area, and from time to time. Although national policy makers may lay down the rules, at the local level application of those rules becomes much more nuanced, depending upon the attitude of local authorities, in particular those in charge of displaced persons' camps.

....

... Indeed, the Thai case suggests that for most of the past decade, while the official policy has been to prevent or deter refugees from entering Thailand, in practice hundreds of thousands have managed to enter and have been granted temporary asylum. By contrast, where there are policy directives at the ministerial level to loosen the stringent policy toward refugees, some local administrators may act at times in contradiction of that relaxation. The implication for push-off or push-back practices vis-à-vis refugees is self-explanatory.

In a manner, a swinging door has emerged, whereby words are not necessarily matched by action and vice versa. Much depends upon the correlative response - or lack of response - of the international community in shouldering the ultimate load.³⁹

Thus, we can see that research into Thai refugee politics is not simply a matter of examining governmental policy directives and monitoring their implementation. It is also a matter of seeking out information pertaining to the actual disposition and treatment

the small military-civilian elite has no need to be responsive to an unmobilized peasantry, a packed parliament, or a thoroughly domesticated commercial class. A given political order may either encourage or discourage a personalistic patron-client style of politics; the Thai political order, with its narrow distribution of power and its 'management' of parliament and civilian associations, serves to prolong the dominance of personal, clique-based cleavages." "Corruption in Thailand" by James C. Scott in *Modern Thai Politics: From Village to Nation*, ed. Clark D. Neher, (Cambridge, Mass.: Schenkman Pub. Co., 1976), 354-5.

³⁹ Public Affairs Institute, *Indochinese Refugees*, 22, 30.

of refugees in any given province, regardless of what the RTG directives of the day may be.⁴⁰ In the absence of any authoritative chronicle of events or systematic national surveys, the researcher is obliged to construct his own account of the treatment and condition of the refugees by relying largely on Thai and foreign journalistic accounts and the reports and studies by a variety of agencies and scholars concerned with refugee affairs in Thailand.

Several books were of value in providing data and insights with respect to the history and politics of relief operations in Thailand. These included *Thai Government Programs in Refugee Relocation and Resettlement in Northern Thailand* by Robert M. Hearn;⁴¹ *Sovereignty and Rebellion: The White Hmong of Northern Thailand* by Nicholas Tapp;⁴² *Rice, Rivalry and Politics: Managing Cambodian Relief* by Linda Mason and Roger Brown;⁴³ *Political Pawns: Refugees on the Thai-Kampuchean Border* by Josephine Reynell;⁴⁴ *Kampuchean Refugees: Between the Tiger and the Crocodile* by Hanne S. Greve⁴⁵ and *The Quality of Mercy* by William Shawcross.⁴⁶

⁴⁰ Thai spokesman seldom addressed such matters in their public pronouncements and official reports; and, when they did, their remarks were most often limited to responding to specific charges of maltreatment of refugees. Officials of the UNHCR and other agencies providing relief and other services to the refugees in the camps tended to refrain from any public remarks which might embarrass the RTG and, as a consequence, jeopardize relations with Thai officialdom. As a rule, they would resort to public criticism only in the most serious cases and only after quiet diplomacy had failed to secure at least a promise of redress or change of policy.

⁴¹ Auburn, N.Y: Thailand Books, June 1974.

⁴² Singapore: Oxford Univ. Press.

⁴³ Notre Dame: Notre Dame Univ., 1983.

⁴⁴ Oxford: Oxford Univ. Refugee Studies Program, 1989

⁴⁵ J.D. diss., University of Bergen (Norway), 1987.

⁴⁶ New York: Simon and Schuster, 1985.

Some of the most valuable sources of information on the situation of refugees in Thailand and other Southeast Asian nations were publications by the U.S. Committee for Refugees, a refugee advocacy group based in Washington, D.C. These included the *1978 World Refugee Survey Report*; the *World Refugee Survey*, issued annually since 1983; *Refugee Reports*, a monthly newsletter issued since 1986; and several highly informative issue papers.⁴⁷

We concluded our research with a study of the legal implications of the refugee policies of Thailand and other Southeast Asian nations. Of special interest were several investigative reports by the Lawyers Committee for Human Rights, a refugee advocacy group, based in New York.⁴⁸ Other investigative studies were found in the *International Journal of International Law*, a publication issued annually in New York since 1989.⁴⁹

⁴⁷ These include "Horror on the Water: Pirate Attacks Against Vietnamese Boat People" by Roger Winter, Director of the Committee, and Joseph Cerquone, staff investigator, (November 1984); "Vietnamese Boat People, Pirates Vulnerable Prey" (February 1984), "Refugees from Laos: In Harms Way" (1986), and "Uncertain Harbors: The Plight of the Vietnamese Boat People" (October 1987) - all by Joseph Cerquone.

⁴⁸ These include *Refugee Denied: Problems in the Protection of Vietnamese and Cambodians in Thailand and the Admission of Indochinese Refugees into the United States* (1989) and *Forced Back and Forgotten: The Human Rights of Laotian Asylum Seekers in Thailand* (1989). The Lawyers Committee also provided an informative critique of refugee screening procedures in *Inhumane Deterrence: The Treatment of Vietnamese Boat People in Hong Kong* (1989).

⁴⁹ The most interesting and informative of these were Arthur C. Helton, "Asylum and Refugee Protection in Thailand" (1, no. 1), Rita Fan, "Hong Kong and the Vietnamese Boat People: A Hong Kong Perspective" (special issue, September 1990), and David Wolf, "A Subtle Form of Inhumanity: Screening of the Boat People in Hong Kong" (special issue, September 1990).

Structure of Presentation

This dissertation has been structured into five parts. Part One consists of four chapters dealing with the historical and political setting in Thailand in which the refugee problem arose.

In Chapter I, we consider the history of Thailand's rise as a nation-state. We then turn in Chapter II to a discussion of Thailand's role in the cold war and, in Chapter III to a consideration of the country's diplomacy and domestic politics following the end of the Vietnam War. In Chapter IV, we turn to a discussion of the initial phase of "crisis management" as the RTG struggled to cope with the first waves of Indochinese refugees during the period 1975-79.

Part Two consists of two chapters, devoted to Thailand and the Vietnamese: Chapter V, in which we consider an overview of the Vietnamese "boat people" migration in Southeast Asia; and Chapter VI, in which we consider Thailand's policies with respect to Vietnamese asylum seekers, both those coming by sea and those coming by land through Cambodia and Laos.

Part Three consists of two chapters dealing with Thailand's relations with the Laotians: In Chapter VII, we consider Thailand's relations with the Laotian Peoples' Democratic Republic; and, in Chapter VIII, we focus on Thailand's policies toward the Lao and hilltribe refugees.

Part Four focuses on Thailand's relations with the Cambodians: In Chapter IX, we consider Thai policy toward the Khmer Rouge regime (1975-78); and in Chapter X, we discuss Thai policy with respect to the Khmer border settlements which were established following the overthrow of the Khmer Rouge regime by

the Vietnamese invasion and occupation of Cambodia (1978-79). In Chapter XI, we consider Thai policy, following the Vietnamese occupation of the border settlements (1984-85), which led to the establishment of "evacuation sites" on Thai territory; and conclude with a discussion of Thailand's role in the international effort to bring peace to Cambodia and thereby bring an end to the Khmer refugee problem.

In Part Five, we present, in Chapter XII, a review and analysis of our history of Thai refugee policies in order to consider the validity of the thesis that Thailand could have achieved her national interests as effectively as she did had she recognized the status and rights to be accorded refugees under international law, as defined by the U.N. Convention and Protocol on the Status of Refugees. We conclude with a postscript about some options which are available to the international community to foster greater respect for humanitarian norms in the treatment of refugees in light of the refusal of Thailand and other Southeast Asian countries to accept these legal instruments.

Part One: The Historical and Political Setting

Chapter I: The Rise of Thailand as a Nation-State

The Kingdom of Thailand, located in the heart of Southeast Asia, is bordered by Burma on the west and north, by Laos and Cambodia on the east and by Malaysia on the south. Its northern border is only about 100 miles from the Peoples Republic of China and its eastern border is less than 100 miles from Vietnam.

While various peoples related to the Thais occupied vast expanses of Southeast Asia for some 5,000 years, Thailand's history as a nation-state began with the rise of the city-kingdom of Sukotai in the first half of the 13th century.¹ The Thais today are very proud of the fact that, unlike their neighbors, they managed to preserve their independence from foreign rule throughout their

¹"Both the Siamese and the Vietnamese people trace their beginnings to southern China, and they may have resembled each other culturally in the period before the founding of the Chinese Empire. The Yueh ancestors of the Vietnamese spoke one of the Thai dialects when they moved into the Red River valley in the third century B.C.; they also acquired some Mon-Khmer vocabulary from the older inhabitants of the region, as did the Siamese many centuries later. But by the end of the Mongol invasions (in the late thirteenth century), when the Vietnamese and Siamese began to expand their original footholds in southeast Asia, they had evolved strikingly different cultural patterns. Dai Viet was a small replica of classic Chinese civilization, while the Siamese at Sukhothai were adapting to their needs the more flexible Indianized system which they had encountered in Southeast Asia." Peter A. Poole, *The Vietnamese in Thailand: A Historical Perspective* (Ithaca: Cornell Univ. Press, 1970), 4.

"Conventionally, Thai history is usually divided into five chronological periods based on empires, kingdoms, and dynasties: Sukhotai (1237-1488); Ayudhya (1350-1767); Thonburi (1767-1782); Ratanakosin (1782-1932); and Contemporary (1932-present)..." Chai-Anan Samudavanija, "Political History," in *Government and Politics of Thailand*, ed. Somsakdi Xuto, (Singapore: Oxford Univ. Press, 1987), 1.

history, even during the heyday of European colonialism during the late 19th and early 20th century.²

Many aspects of their land and society have made the Thais one of the most fortunate people in Asia: For centuries they enjoyed an ample supply of fertile land, excellent fishing waters, and a low population density, compared with other Asian nations.³ Their ethnic homogeneity enabled them to avoid the internecine strife which plagued other societies, such as those in Burma and

² "The present Chakkri dynasty was founded in 1782 by the last rebellious general who successfully usurped the throne. Shortly thereafter the technologically superior Europeans arrived in force. Britain destroyed piecemeal the Burmese kingdom to the west; to the east the French began their subjugation of Vietnam, Cambodia and Laos; from the sea came trade-hungry merchants of the powerful Western nations. At first the Chakkri kings adopted the policy of isolation and exclusion, which was to produce such disastrous consequences for the monarchies of China, Vietnam and Upper Burma. Then, under the far-sighted leadership of Kings Mongkut (1851-1868) and Chulalongkorn (1868-1910), the Thai government opted for accommodation and adaptation. A series of treaties, beginning with the Anglo-Thai Bowring Treaty of 1856, opened Thailand to Western traders. Foreign advisers were brought in from a wide range of countries to assist with such matters as government finances, reorganization of the administration and legal system, and modernization of the armed forces, police and transportation. Where necessary, ethnically non-Thai border territories were relinquished to the new empires: Laos and Cambodia to France, the northern Malay states to Britain. Thus, because of the wisdom of the Chakkri kings and the concern of both France and Britain that the other should not control the Chao Phya valley, Thailand avoided direct colonial rule and the traumas attendant upon it." Donald Hindley, "Thailand: The Politics of Passivity," in *Modern Thai Politics: From Village to Nation*, ed. Clark D. Neher (Schenkman Pub. Co.: Cambridge, Mass., 1976) pp. 172-3.

"...Although one important factor was the decision by the great powers to leave Thailand as a buffer between French Indochina and British Burma and Malaya, King Chulalongkorn's reforms prevented the Western powers from finding any easy pretext to intervene. David Morell and Chai-Anan Samudavanija, *Political Conflict in Thailand: Reform, Reaction, Revolution*, (Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1981), 46.

³ "...land ownership was the norm, rather than tenancy and absentee landlordism. Pressures in the small industrial/urban sector of the economy also were readily absorbed, primarily by relying on alien Chinese merchants and laborers. Creation of this dual structure protected the Thai populace from the tensions of proletarian entrapment and commercialized values." *Ibid.*, 310-1.

Malaysia. Their Hindu and Buddhist religious traditions buttressed the institution of the monarchy which provided a strong sense of national unity and social order also not found in other nations of the region.⁴ All of these factors combined to produce a remarkable deference to authority which, to some extent, characterizes Thai politics even today.⁵

⁴ "In analyzing charismatic and traditional patterns of authority in traditional Siam, it is necessary to distinguish two major interwoven streams of thought: the Hindu and the Buddhist conceptions..."

"In the institution of the monarchy, Hindu and Buddhist conceptions were integrated through the idea of *Dharma* (the teachings of Buddha). *Dharma* has had a profound impact on the traditional Thai concept of kingship... There is, however, a major difference between Hindu and Buddhist concepts regarding a king's role and behaviour. Hindu concepts contain two types of prescriptive codes of conduct: rules laid down for normal government, and those propounded to cope with critical periods... In the Buddhist concept, by contrast, the role and behaviour of the king are highly moralistic and leave no room for deviations from the ideal type..."

"... The ultimate goal of Buddhism is to enable people to conquer their own selves, not to conquer the world or other men. Hence, it would complement rather than threaten a warring state which set aggrandizement, glory, power, and acquisition of worldly matters as its major goals.

"... While wars, glory, material benefits, and worldly happiness were major preoccupations of the secular state and its bureaucracy, peace of mind, selflessness, renunciation of worldly things, and *nirvana* were among basic values of the Buddhist state and its *Sanga* (social organization). The masses in traditional as well as in modern Thailand, have been caught between these two different states. Many had an opportunity to seek refuge in the *Sanga*, most for only a brief period; others, for life.

"The kings and their political advisers (the Brahmans) tried to routinize their charismatic authority by combining several methods, such as hereditary succession and use of rituals. Rituals greatly contributed to the strengthening of the Siamese king's power by surrounding his office with an air of mystery and sanctity. Early Ayudhyan kings were highly successful in institutionalizing various rituals into their traditional pattern of governance, thus enabling them to stabilize the legitimacy of their divine kingship for several centuries. This was undoubtedly one of the most important factors contributing to the continuity of the institution of monarchy in Thailand." Chai-Anan, "Political History," 8, 9, 10, 12-13.

⁵ "... The fact that Thailand was never colonized and never experienced a colonial war enabled the Thai to enter the post-war era without the bitter colonial legacy of their neighbors. This also permitted a continuity of leadership in Thailand, leaving in power a traditional elite solidly rooted in the nation's historical and cultural values. The availability of government position to Thailand's educated class - which was ensured by the continuity of independent Thai governments throughout the colonial era - created an

The Revolution of 1932 and the Modern Bureaucratic Polity

The modern era of Thai politics may be said to have begun on June 24, 1932 when a small group of military and civilian conspirators staged a bloodless revolt which overthrew Thailand's absolute monarchy. The revolt came about primarily because of discontent among the armed forces and bureaucracy over cutbacks in salaries and personnel stemming from economy measures necessitated by the world-wide depression. The new governing elite of army generals and their bureaucratic and commercial allies seized power from the royalty and nobility, but sought to retain the heritage of political culture which are shared to a greater or lesser degree by all elements of Thai society - a culture which "places emphasis on stability as the desirable mode of change, and... (which) helps to forge a conception of society in terms of the preservation of the traditional or quasi-traditional institutions of nation, religion and monarchy."⁵

essentially pragmatic, conservative, educated leadership with a disincentive for revolutionary activity. Even outside the elite, prevailing Thai social and cultural values have historically militated against political activism and radical movements. R. Sean Randolph, *The United States and Thailand: Alliance Dynamics, 1950-1985* (Berkeley: Institute of East Asian Studies, Univ. of California, 1986), 6.

"... As societal groups have come to play a more important role in Thai politics, the state has lost some of its autonomy and consequently become weaker. On the other hand, Thai authorities enjoy autonomy from societal actors, especially rural citizens who are politically passive. Because rural citizens constitute about 70 percent of the population and make few demands on the central authorities, this notion of passivity is central to the argument that the Thai state can act autonomously. Clark D. Neher, *Southeast Asia in the New International Era* (Boulder: Westview Press, 1991), 42.

⁵ Chai-Anan Samudavanija and Sukhumbhand Paribatra, "In Search of Balance: Prospects for Stability in Thailand during the Post-CPT Era," in *Durable Stability in Southeast Asia*, eds. Kusuma Snitwongse and Sukhumbhand Paribatra (Singapore: Institute of Southeast Asian Studies, 1987), 192.

Thus, while the new ruling elite restricted the power of the king, he and his dynastic successors were retained as a symbol of the nation, a symbol which even today is highly revered by the Thai public.⁶ They also, sought to legitimize the Revolution in the eyes of the newly emerging class of educated professionals by establishing a facade of Western-style parliamentary institutions, behind which they could continue to wield effective political control.⁷

"... While today there is some doubt, ambivalence and disagreement about how and to what extent the military should act to safeguard the nations interests, especially in the political arena... the Thai officer corps is at one in holding on to its convictions that the preservation of the three institutions of nation, religion and monarch is the *sine qua non* of national security, that communism constitutes the greatest threat to these institutions and hence national security, and that the military has the *right* to take all the necessary actions, including political interventions, to suppress any threats to national security. *Ibid.*, 195.

⁶ "Legitimation is a potent factor accounting for the strength of the state. Here... the Thai state has managed to receive acceptance, even approbation, of its rules of the game. the primary reason for this is that contemporary Thai authorities have basked in the aura of the king, the symbol of unit of the Thai state. Thais have accepted the state's symbolic configuration within an ideology of king, state, and religion. Through socialization and the deliberate exploitation of the king's popularity by regimes in power, the Thai state has become identified with the king and Buddhism, resulting in an extraordinarily high level of acceptance.

"(The current) sovereign on his own initiative has performed an important role in promoting the well-being of the people, particularly in rural areas... He is the embodiment of the traditions, the dignity, and the unity of the nation. Together with the glamour and traditional continuity of the monarchical institution, the sovereign's contribution to the betterment of the welfare and well-being of the Thai people has strengthened the bond between the monarch and the people and has reinforced his role as Head of State. The result has been popular acceptance and public reverence of the King and of the monarch as an institution. In spite of frequent political changes, this unique position of the King and the royal institution has continued." Suchit Bunbongkarn, "Political Institutions and Processes," in *Government & Politics in Thailand*, 59-60.

⁷ "... Expressed in a western liberal rhetoric of constitutions, elections, parliaments, and democracy, the concept of popular sovereignty in Thailand has rarely found its way into practice. The generals and their allies wanted a justification that might sound modern without the reality of diffusion of power from their hands to the people. Nevertheless, the idea of participation has been injected into the political system, to remain thereafter a significant annoyance to the bureaucratic elite.

The political history of Thailand following the Revolution of 1932 is, therefore, largely the story of a series of bloodless coups as the various cliques among the military-bureaucratic elite jockeyed for wealth and power.⁸ There have been no fewer than thirteen

"Members of parliament have been elected in 1933, 1938, 1946, 1957 (twice), 1969, 1975, 1976, and 1980... Though weak in power, the MPs frequently voiced the interests of their predominantly rural constituents, thereby causing trouble for the government. Conscious of being representatives of the people, many MPs were unwilling to act as puppets of the military-dominated system. As a result, the military abolished the legislature in coups in 1933, 1947, 1951, 1957, 1958, 1971, and 1976. Whether an elected parliament existed or was abolished, however, the tensions between center and periphery, elite and mass, traditional legitimacy and popular participation became increasingly central to the emerging conflict over values and ideology, over power and its uses." Morell, 5.

⁸ "In sum, the military's political supremacy has been an outstanding feature of the modern Thai political system since 1932. In the absence of strong participatory institutions..., the politicized military has been able to seize power and establish authoritarian regimes without much difficulty. Its organizational complexity and adaptability, prestige, wealth, and control of mass communications media are important political resources through which the armed forces control all other political institutions, including the cabinet, the National Assembly and, to a lesser extent, political parties." Bunbongkarn, 58.

"One of the main reasons that the Thai Military was able to retain its political dominance for so long was its organizational attributes. One attribute was the knowledge and monopoly, or at least virtual monopoly, of the instruments of violence. Another attribute was institutional cohesion. although intra-military conflicts very frequently occurred and indeed constituted the substance of Thai politics in this period, there was a strong *esprit de corps* on major issues, most notably the desirability of continued military supremacy. As in the case of other modern military organizations, this spirit was forged by a common recruitment, training, selection and promotion process, seen to be based upon merit and quality of service, that is, professional criteria; by the discipline of a tight hierarchical organization, calling for respect, deference and loyalty to superiors and, where such were lacking, swift punishment; and by the ease and frequency of professional contacts. In the case of the Thai military, the *esprit de corps* was strengthened by old-boy ties between preparatory schools, the military academies and the National Defense College; by common service experience, for example, the 1932 coup, the Korean War and the Vietnam War; and by inter-marriages and memberships on the same corporate boards. Samudavanija, "In Search of Balance," 193.

"... While today there is some doubt, ambivalence and disagreement about how and to what extent the military should act to safeguard the nation's interests, especially in the political arena... the Thai officer corps is at one in holding on to its convictions that the preservation of the three institutions of nation, religion and monarch is the *sine qua non* of national security, that

written constitutions since the Revolution, most of which were designed to restrict the power of the parliament and none of which have substantially changed the power structure or the policies and actual administration of government.⁹

In the years immediately following the Revolution, civilian elements, under the leadership of lawyer Pridi Phanomyong, played an important role in the cabinet. By 1938, however, the military elite, under the leadership of Lt. Colonel (later Field Marshal) Phibun Songkhram, came to dominate the government. Upon his assumption of the premiership that year, Phibun initiated a policy of militant nationalism patterned after the dictatorship of Italy, Germany and Japan: The role of the military in Thai society

communism constitutes the greatest threat to these institutions and hence national security, and that the military has the *right* to take all the necessary actions, including political interventions, to suppress any threats to national security." *Ibid.*, 195.

⁹ Chai-Anan Samudavanija, "The Bureaucracy," in *Government & Politics of Thailand*, ed. Somsakdi Xuto (Singapore: Oxford Univ. Press, 1987), 98.

"In practice, the system's outstanding feature has been the ability of each faction to draft a new constitution to match and protect each major shift in factional dominance. Few effective checks constrain the Council of Ministers, which (with the tacit approval of the king) can issue royal decrees and proclamations. Although the Parliament technically has had control over the affairs of state, and all prescribed laws have to be promulgated on its advice and by its consent, the Parliament has served mainly to legalize (although not without occasional opposition) the wishes of the executive branch and its military leaders..." *Ibid.* 172. (The references to the approval of the king and the palace elite are my own).

"Maintenance of a balance of power and authority *within* the bureaucracy in Thailand fulfills a function similar to the checks and balances of the U.S. constitutional system. This balancing provides the regime with its basic political stability. Balance between various powerful elements within the bureaucracy is more significant than that between the bureaucracy and external political forces, including the elected legislature. Fragmentation of power permits senior officials to maintain maximum influence and control." Morell, 49-50.

was enhanced and numerous programs of cultural and economic nationalism were introduced.¹⁰

The United States and Thailand's Security

At the outset of World War II, the RTG, under Phibun's leadership, recognized Japan as the paramount military power in Asia and fashioned its foreign policy accordingly: It collaborated with the Japanese in order to ensure that it would be able to retain its authority throughout the Kingdom and that the country would be spared the devastation of war.¹¹

During the war years, Pridi, who had acted as regent for the absent boy king, Ananda Mahidol, organized an underground Free Thai movement within Thailand. After the United States had entered the war in the Pacific, the Free Thai assisted U.S. agents in Thailand and provided valuable intelligence on Japanese movements in Southeast Asia.¹² By the end of the war, a pattern of close

¹⁰ As part of this initiative, the traditional name of the nation, "Siam," was officially changed to "Thailand" ("Muang Thai" or "Land of the Free") in 1939. Randolph, 6.

¹¹ "... On December 8, 1941, Japanese forces invaded the coast of Thailand and demanded the right to traverse the country en route to Burma and Malaya. Recognizing that resistance was hopeless, and having failed to obtain a guarantee of American support (The United States did not consider an invasion of Thailand a *causus belli*), Phibun, not altogether unwillingly, chose to comply with the Japanese demands. some weeks later, a military alliance was signed with Japan; and on January 25, 1942, the Phibun government declared war on Britain and the United States, a move no doubt designed to placate Thailand's Japanese ally. In Washington, the response of the Thai legation was opportune. MR Seni Pramoj, then presiding over the Thai legation in Washington, chose not to deliver the government's declaration of war, but rather announced that the true sympathies of the Thai people lay with the Allies and that his legation would henceforth be the center of a 'Free Thai' resistance movement. In response, the United States agreed to ignore the declaration of war and to treat Thailand as 'an enemy occupied state.'" *Ibid.*, 7

¹² Daniel Joel Steinberg, ed., *In Search of Southeast Asia: A Modern History* (Honolulu: Univ. of Hawaii Press, 1985), 387.

cooperation had been established between the Americans and the underground leaders which was to continue for decades thereafter.

In August 1944, after it had become abundantly clear that the course of the war had turned against Japan, the Thai National Assembly forced Phibun to resign and installed a civilian government under the nominal leadership of Kuang Aphaiwong, leader of the Democrat Party, with Pridi controlling policy from behind the scenes as leader of the liberal coalition faction. The apparent resurgence of parliamentary democracy at the close of the war did much to weaken the resolve of the Allies to punish the Thais for their collaboration with the Japanese.

With the encouragement of the Japanese, Thailand had annexed certain territories in Laos and Cambodia in 1940-41, and four states of northern Malaya and two Shan states of Burma in 1943. Following the surrender of the Japanese in August 1945, the RTG quickly renounced its claim to the territories in Malay and Burma in order to placate the British, but stubbornly held to their claims to the territories in Laos and Cambodia.

In addition to withdrawal from the annexed territories, the British demanded that various controls be imposed on the Thai economy and army and that Thailand furnish the Allies with 1.5 million tons of free rice "as a special measure of reconciliation and aid by Thailand toward those who had suffered because of Thai denial of rice exports during the war years." Seni Pramoj, Thailand's wartime ambassador to the United States, had replaced Kuang as prime minister and was now able to prevail upon the Americans to

intervene in order to mitigate the demands of the British.¹³ The end result was that the Thais were obliged to pay only for property losses and to provide a quantity of rice at a low fixed price.¹⁴

On January 1, 1946, the United States restored full diplomatic relations with Thailand and agreed to support her application for membership in the United Nations. Notwithstanding representations by the United States, the French remained adamant that the Thais withdraw from the annexed territories of Laos and Cambodia as the minimal requirement for admission to the world body. Since the Thais highly valued U.N. membership as a symbol of international respectability, they finally acquiesced in the French demands and were admitted to the U.N. in December.¹⁵

Modest amounts of financial and economic aid was provided Thailand by the United States during the immediate post-war years, including a \$10 million loan for the purchase of railroad equipment and the rehabilitation of Thailand's transport system. The Americans also joined with the British in concluding a number of commodity

¹³ "During the lengthy negotiations, from mid-September to the end of December 1945, the United States played a crucial role. In fact, the negotiations were of an Anglo-American rather than Anglo-Thai nature. The United States was able to force the British to drop traces of British unilateral control inherent in the ("Twenty-one Demands"); one of the weapons used by the Americans was the threat to resume diplomatic relations with Thailand before the United Kingdom did, and to make U.S. goodwill policy toward Thailand known to the public.

"... The Americans were intent upon restoring Thailand's full independence and sovereignty... Wiwat Mungkandi, "Thai-American Relations in Historical Perspective," in *United States-Thailand Relations*, eds. Karl D. Jackson and Wiwat Mungkandi, (Berkeley: Institute of East Asian Studies, Univ. of California, 1986), 13.

¹⁴ *Ibid.*, 387; and Randolph, 7.

¹⁵ Steinberg, 388.

purchase agreements which increased Thai foreign exchange reserves.¹⁶

Early in 1946, a new constitution had been enacted which provided for a fully elected legislature; and Pridi left his post as regent to become prime minister. Postwar economic dislocations, persistent charges of corruption and the suspicious death of King Ananda (June 9, 1946) led to the replacement of Pridi by Thawan Tranrongnawasawat. Late in 1947, Thawan found it difficult to maintain support within the National Assembly and was replaced by Kuang as a result of a conspiracy of the military.¹⁷

On November 6, 1947, disaffected army officers, including Phibun, joined with members of the civilian opposition in the Assembly to stage a coup. Fearing the scorn of the United States and other Allied powers, the military leaders permitted civilian moderates of the Democrat Party to form a cabinet. However, only six months later, in April, 1948, the army leaders overcame their trepidation, seized power outright, and appointed Phibun as premier. Thailand's initial post-war experiment with civilian government had come to an end.

¹⁶ Randolph, 8.

¹⁷ Steinberg, 388.

CHAPTER II: Thailand's Role in the Cold War

At the time of the 1948 coup in Thailand, the United States was desperately engaged in providing support for Greece and Turkey in their struggle against communist insurgents and was busily implementing the Marshall Plan to foster the military and economic reconstruction of the nations of Western Europe so that they too could meet the threat of Soviet imperialism. The tide was turning in favor of the communists in China and communist-inspired insurrections were breaking out in many of the emerging nations of Southeast Asia. Given this new and dangerous international climate, the wartime activities of Phibun and the manner by which he had come to power seemed far less important to the Western allies than his professed friendship and his "conservative and unequivocally anti-communist posture."¹

The early years of the Phibun Government were marked by political repression and rampant official corruption. Nevertheless, the RTG was able to weather no fewer than four abortive military coups between 1948 and 1951. Phibun's success in maintaining stability in Thailand and his willingness to dispatch 4,000 Thai troops at the outset of the Korean War were soon rewarded with substantial amounts of U.S. military and economic assistance.²

¹ Randolph, 8.

² Steinberg, 388; and Robert J. Muscat, *Thailand and the United States: Development, Security and Foreign Aid* (New York: Columbia Univ. Press, 1990), 20,

"The Korean War brought Thailand and the United States one step

By 1955, Field Marshal Phibun had decided that his political position could best be preserved if he were to implement democratic reforms: He legalized political parties, lifted press censorship, and called for general elections to be held early in 1957.

Despite flagrant rigging of the electoral returns, the government was able to win no more than a bare majority of parliamentary seats. Phibun's poor showing prompted General Sarit Thanaret, then Commander of the First Army in Bangkok, to turn against his long-time colleague by leading a bloodless coup (September 16, 1957) which was to mark the end of Phibun's long political career.³

New elections were held in December 1957, but the resulting parliament was racked by deep divisions stemming from, what one observer called, "personal feuds, disparate ideological and economic interests, and the clash of traditional and modern political styles and outlooks within Thailand's urban elite." In its attempt to cope with the nation's many domestic and foreign policy problems, the new government failed to retain the confidence of Sarit and other top military leaders. Consequently, Sarit, who had by this time become Commander-in-Chief of the Army, acted to disband the Assembly and reimpose military rule in October 1958.⁴

closer. Thailand was the first Asian country to support the U.N. Security Council resolution, endorsed by the United States, to resist the aggression by force... On July 1, 1950, Thailand and the United States signed an educational and cultural agreement and a military assistance agreement, respectively. The military agreement, which was technically neither a military alliance nor a defence pact, was the first indication of the Thai abandonment of neutrality. Indeed, as an agreement to supply arms and equipment to Thailand as well as technicians and officers to aid in the training of the Thai army, it paved the way for Thailand to become a Western ally..." Mungkandi, 14.

³ Steinberg, 389.

⁴ *Ibid.*

Widely respected within the ranks of the armed forces, the civil service and the business community, General Sarit was able to acquire much broader support than any of his predecessors. Soon after he had come to power, he set about to minimize the appeal of the Communist Party of Thailand (CPT) by initiating substantial programs of economic development, public welfare, and education, particularly in the impoverished northeastern provinces where most of the communist insurgents were based.⁵ He further enhanced his authority by encouraging the young king, Bhumibol Adulyadej, to play a very active role in public life and by appointing a Constituent Assembly, composed of representatives of a wide range of interests, to draft a permanent constitution.⁶

⁵ "... A generation earlier, in the 1940s and early 1950s, Phibun was worried about Thailand's Chinese minority, numbering in excess of 2 million, particularly when Pridi took up exile in Communist China and became the leader of a Thai Patriotic Front and when the membership of the Communist Party of Thailand was composed almost entirely of ethnic Chinese. By the 1960s, however, most Thai Chinese were well along the road to assimilation, and the military rulers of the kingdom now feared political discontent and rural revolution like that they could see occurring in Indochina. In particular, the impoverished northeast, with an ethnic minority akin to the Lao exceeding 10 million, was of major concern to the government. Sarit - himself a northerner - began a considerable program of economic development in the northeast, which promoted agricultural production, the building of roads, wells, and irrigation systems; and the expansion of educational opportunities. The government's approach to ruling seemed to be to buy political acquiescence with the currency of social and economic improvements. They could point to statistics and congratulate themselves - and yet the challenges to their dominance steadily mounted..." *Ibid.*, 391.

⁶ For a highly perceptive account of how Sarit used traditional Thai institutions and values to enhance his authority, see Samudavanija, "In Search of Balance," 197-9, *passim*.

The Crisis in Laos

The onset of the cold war in the late 1940s obliged the United States to undertake a major reorientation of its global policy. It moved quickly to provide military assistance to counter Soviet-sponsored insurgencies in Greece and Turkey; and the fall of Czechoslovakia and the Berlin Blockade led it to promote the formation of the NATO alliance to defend Western Europe and to devise the Mutual Defense Assistance Program which was to provide U.S. arms, equipment and military training to any ally or friendly country threatened by the communists.

The fall of mainland China to the communists in 1949 shocked the United States and its allies into a realization of the vulnerability of the states of Asia to the communist menace. The attack on South Korea in June 1950 confirmed the validity of their fears and gave rise to a concerted military response by the Western allies.

Fearing the further spread of communism in Asia, Thailand, under the leadership of Marshal Phibun, quickly committed herself to the Western camp: She was the first Asian nation to support the U.N. Security Council resolution, endorsed by the United States, to resist the aggression on South Korea and was also the first Asian state to commit troops in the Korean War.⁷

In response to Thailand's friendly overtures, the United States moved quickly to provide her with a substantial measure of

⁷ "... It was almost certainly a part of Phibun's calculation that the United States would reciprocate with a major boost in military and economic aid. Whatever the intention, the Thai contribution to the Korean War effort went far toward cementing the bonds of friendship and cooperation which had been developing since 1945, and removed much of the taint still attached to Phibun from his prior association with the Japanese." Randolph, 13.

economic, technical and military aid: On September 19, 1950, the two countries signed an Economic and Technical Cooperation Agreement, the first of its kind in Asia.⁸ This was followed on October 17 by the signing of a Mutual Defense Assistance Agreement and an initial grant of \$10 million in U.S. military aid.⁹

The defeat of the French at Dien Bien Phu in July 1954, the resulting partition of Vietnam, and the increasing strength of communist insurgents in neighboring Laos and Cambodia led the Thais to seek even closer security relationships with the Western allies: On September 8, 1954, Thailand joined with the United States, the United Kingdom, France, Australia, New Zealand, the Philippines and Pakistan in signing the Manila Pact which established the Southeast Asia Treaty Organization (SEATO), the first post-war multilateral security alliance to be established in the region.¹⁰

⁸ The initial contribution of the United States for economic and technical assistance to Thailand totalled \$8 million and this was increased by \$7 million toward the end of 1951. In addition, Thailand was awarded a loan of \$25.4 million from the World Bank in October 1950 for improvements to the country's roads and irrigation network; this marked the first World Bank loan to any nation in Southeast Asia. *Ibid.*, 15.

⁹ "... Soon after the signing of the Agreement, arms shipments began arriving, the first in January 1951, followed by twenty-seven more in the next twelve months. The shipments included sufficient arms to equip ten army battalions, as well as fighter planes and modern naval vessels. to facilitate and supervise the training of the Thai armed forces and the distribution of military assistance, the United States established a Military Assistance Advisory Group (MAAG) in Bangkok. U.S. military assistance for the ensuing three years totaled \$4.5 million in 1951, \$12 million in 1952, and \$56 million in 1953." *Ibid.*

¹⁰ "For the Thai, the central issue in the Treaty's wording was the question of automaticity. In the even of either overt attack or covert subversion against Thailand, would the allied response be automatic or would it be conditional? On this question, the key words of Article IV (of the Manila Pact) are: 'Each party... agrees that it will in that event act to meet the common danger in accordance with its constitutional processes'... The United States could, then, fail to act in defense of a Treaty member, owing to a negative decision by the Congress." *Ibid.*, 29.

In effect, the collective security scheme devised for Southeast Asia permitted the United States and her Western European allies to retain "a

At this time, Thai leaders were primarily concerned with continued Viet Minh incursions into Laos in support of the Pathet Lao, which had begun in early 1953 and threatened to end that country's traditional role as buffer between Thailand and Vietnam. The Thais tried, but failed to persuade their SEATO allies to take action to counter the growing communist influence in Laos.¹¹ By 1960, however, the threat posed to Vientiane by the Pathet Lao was so great that the United States initiated a program of covert support for the Laotian royalists, which involved the provision of military supplies, the training of Lao and Laotian Hmong troops at camps in Thailand, and the infiltration of Thai and Filipino "technicians" into Laos. As one observer has noted, this program marked "the earliest

degree of flexibility not available through a NATO-style framework." *Ibid.*, 31.

"Despite verbal U.S. assurances, the Thais were disappointed by the fact that they had exposed themselves to the rice of the communist powers without an airtight guarantee of U.S. support in return; Thai concern was also aroused by the failure of SEATO to establish a joint permanent military force in the style of NATO. Doubts about the reliability of the American security commitment would continue to haunt Thai-American relations in the ensuing years.

"... In any anticipated scenario, Thailand was the front-line state. For this reason, Thailand was to be, of all SEATO members, the most vocal, active, and involved through the 1950s and 1960s. It was also for this reason, and as a balm to Thai disappointment in the 'softness' of the American security commitment, that SEATO headquarters were established in Bangkok in early 1954... As a further concession, a Thai national... was appointed the organization's first Secretary General." *Ibid.*

¹¹ Mungkandi, 15.

"Specific Thai concern over the security of Laos was first aroused in April 1953, when a Viet Minh invasion of Laos brought communist forces within a few miles of the Thai border, and again in December 1953, when communist troops seized the Laotian town of Takhek, located directly on the Mekong River. A similar communist thrust into Laos and Cambodia in early 1954 was cut short by the Geneva settlement. ...SEATO was to become the principle medium for the communication of Thai concern over developments in Laos, and an instrument which the Thai hoped to use in pursuit of a diplomatic 'forward strategy' in that country. The response of the United States and SEATO to these pressures was to become for the Thais a primary barometer of the strength and reliability of the American commitment to the defense of Southeast Asia." Randolph, 33.

involvement of Thailand and the United States, in a direct physical sense, in the conflicts of Indochina." For the first time, security cooperation between the two countries extended beyond the Thai border.¹²

At the SEATO Ministerial Conference held in March 1961, the Thais again pressed their allies to intervene to block the advance of the communists in Laos, but were able to obtain only a warning on the part of the ministers that "if attempts at negotiation should fail, and there continues to be an active military attempt to obtain control of Laos, members of SEATO are prepared, within the terms of the treaty, to take whatever action may be appropriate in the circumstances."

The lack of unequivocal support on an issue they deemed to be of paramount concern to their country's security caused the Thai to re-evaluate the value of the SEATO alliance and to consider embarking upon a more flexible, independent approach toward the communist powers. Thailand's faith in her allies eroded further during the deliberations at the Geneva Peace Conference on Laos (May 1961), which resulted in a settlement calling for the creation of a coalition government of the royalist, neutralist and Pathet Lao factions. Since the Thais had opposed the inclusion of the communists in a coalition scheme, the settlement added to their anxiety over the reliability of the United States and the other allies.

In February 1962, the Vietnamese and Soviets began an airlift of supplies into Laos to build up the Pathet Lao; and the Thais

¹² *Ibid.*, 37-8.

reacted quickly by deploying troops along the Laotian frontier.¹³ Alarmed by these developments, the United States moved to provide the Thais with a much stronger commitment of defence support: In the famous Rusk-Thanat Communique of March 1962, U.S. Secretary of State Dean Rusk "reaffirmed that the United States regards the preservation and integrity of Thailand as vital to the national interest of the United States and world peace." that the United States intends to give full effect to its obligations under the (SEATO) Treaty to act to meet the common danger in accordance with its constitutional processes," and that "*this obligation of the United States does not depend upon the prior agreement of all other parties to the Treaty, since this Treaty obligation is individual as well as collective.*"¹⁴ By this statement, the United States circumvented the provision in the Manila Treaty which specified that unanimous consent was required for action by SEATO and, in effect, created an "indirect bilateral defence agreement" between Thailand and the United States.¹⁵

In May, only two months after the issuance of the Communique, the communists moved to expand their control over most of northern Laos and the United States was obliged to provide a much

¹³ Mungkandi, 15.

¹⁴ *U.S. Department of State Bulletin*, 26 March 1962, 498; cited in Randolph, fn., 42. (Italics are my own).

¹⁵ "... The (Communique) marked a turning point in the Thai government's approach to the Laotian situation and was undoubtedly the critical factor in convincing Sarit to accept the coalition government proposed in the... Geneva settlement. While the Sarit government obviously remained less than enthusiastic about the final Geneva settlement (June 12, 1962), the formal commitment contained in the Rusk-Thanat Communique, coupled with private American assurances of support, was sufficient to bring it into line with the American position." *Ibid.*, 42-3.

more tangible indication of support for Thailand's security: U.S. troops, eventually numbering 10,000 men were rushed to Udorn in northeastern Thailand, only twenty-five miles from the Laotian border. Small contingents of troops were also sent to the border area by Britain, New Zealand and Australia.

Having made the point that the SEATO Allies would intervene militarily in defense of Thailand, tensions along the border eased. All the allied forces were withdrawn by November, but stockpiles of arms and military supplies were left behind at Korat on Thailand's northern plateau.¹⁶

The quick American response to the security situation was highly reassuring to the Thais and helped them to overcome their doubts about the security implications of the Geneva agreements which established the tripartite coalition government and guaranteed the independence and neutrality of Laos. Notwithstanding the agreements, however, both the North Vietnamese-Soviet allies and the U.S.-Thai allies continued to provide covert support for their respective clients in Laos.¹⁷ Indeed, the close cooperation between the Thailand and the United States which began during the Laotian civil war was to serve as a "dress rehearsal" for their involvement in the greater conflict that was to come in Vietnam.¹⁸

¹⁶ *Ibid.*, 43-4.

Korat was quickly developed into a major supply facility. In 1965, "more than 41,000 tons of equipment, valued at \$50 million, were stored (there), enough to equip a full combat division." *Ibid.*, 52-3.

¹⁷ See *ibid.*, 45-6.

¹⁸ "... Thus, the years 1954-64 saw the stationing (albeit temporarily) of U.S. troops on Thai soil; the involvement of Thai nationals in military operations in Laos; the initiation of reconnaissance and offensive air operations from Thai bases directed toward Laos; the development of an extensive intelligence network in Thailand related primarily to the Indochinese conflict; the use of

In 1961, as a result of the worsening situation in Laos, the United States began to provide substantial economic and technical aid to improve Thai military air facilities: Korat became the major base for reconnaissance and covert operations in Laos; improvements were made to the airport at Don Muang, seventeen miles north of Bangkok; and a major base facility was developed at Takhli, 130 miles northwest of Bangkok, for the use of U.S. warplanes. Later, in 1963, the need for even more facilities led the United States to improve the Royal Thai Air Force Base at Nakhon Phanom on the Laotian border about 350 miles to the north-northeast of Bangkok.

In late 1964, the United States greatly expanded air operations out of the bases in Thailand in order to interdict movement along the Ho Chi Minh Trail, the major supply route of the North Vietnamese which ran inside Laos and along the border of South Vietnam. A new major air facility was established at Udorn, only forty-four miles from Vientiane and forty minutes flying time from Hanoi; and, by the end of the year, a total of some 3,000 U.S. air force personnel and seventy-five U.S. aircraft were stationed in Thailand.¹⁹

Thailand by the Central Intelligence Agency and U.S. government agencies for the logistical supply of Laotian forces; and the development of patterns of Thai-American security cooperation which were to carry on well into the 1970s." *Ibid.*, 51.

¹⁹ *Ibid.*, 57.

"... The stepped up air activity over Laos in 1964 and 1965 was considered to be one aspect of the ongoing program of covert pressure against North Vietnam.

"... (I)n October (1964), United States aircraft began flying cover missions for (Royal Laotian Air Force) aircraft striking targets along the infiltration route from North to South Vietnam. On December 14, the first U.S. strike mission in Northern Laos, other than those associated with armed reconnaissance, was launched; and, in January 1965, the United States began, in conjunction with the RLAF, the active bombing of the Ho Chi Minh Trail. air strikes in Northern Laos, which had totalled no more than twenty in 1964, subsequently rose to 4,568 in 1965 and 7,316 in 1966. By the end of 1968, a total

During this period, the United States also began financing the training and operations of Thai "irregulars" who would infiltrate into Laos in order to strengthen the royalist forces. With the cooperation of the Thai military, the Americans were thereby able to provide covert military support for the Royal Lao Government, without placing themselves in violation of the Geneva agreements which banned the introduction of foreign troops into Laos.²⁰

of 67,000 sorties were being flown annually from Thai bases against Laotian targets; in 1969, that number rose to over 90,000. Testimony of William H. Sullivan, Deputy Assistant Secretary for East Asian and Pacific Affairs, *United States Security Agreements and Commitments Abroad*, Hearing Before the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Committee on Foreign Relations, U.S. Senate, 91st Congress: Part 2-Kingdom of Laos, pp. 712, 690, 689; referred to hereafter as the *Symington Hearings*; cited in *ibid.*, 54-55.

... (A)t least half of the United States aircraft flying unarmed reconnaissance, armed reconnaissance, and strike missions operated, under agreements obtained by the U.S., from Thai bases (the balance being U.S. naval aircraft operating from carriers in the Tonkin Gulf). Thus, the initial buildup of American aircraft in Thailand in the early 1960s found its genesis not in the Vietnam War, but rather in the demands of the Laotian crisis (although the Laotian operations were in fact seen at one time as a means of increasing pressure on North Vietnam." *Ibid.*, 55

Only two communist attacks on the air bases used by the Americans were ever reported: The first occurred in July 1968 and resulted in the death of one Thai and one American and the wounding of four Thai. No casualties were reported in the second incident which occurred in July 1969. There was minor physical damage in both cases. *Symington Hearings, Part 3-Kingdom of Thailand*, 618; cited in *ibid.*, fn., 77.

²⁰ On June 7, 1971, the U.S. Department of State acknowledged that the United States provided support to "volunteers and to other forces, regular and irregular, in Laos. It revealed that "The United States helped to recruit, organize, and pay Thai 'volunteers' for service in Laos, as the war was beginning to go very badly for Meo and other irregular units in Laos..." The strength of the irregulars increased to over 21,000 by September 1971 and dropped to under 10,000 by August 1973. *U.S. Department of State Bulletin*, 65, (30 August 1971): 228, cited in U.S. Congress, House, "Political Situation in Thailand," hearings before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, 93rd Congress, 1st sess., October 24, 1973 (Washington: USGPO, 1974), fn., 99.

The RTG had announced in September 1970 that it would not send troops or volunteers to Cambodia, despite Cambodian requests, except in the case of "the last extremity, when the question is absolutely life and death." *Christian Science Monitor*, 12 September 1970; cited in *ibid.*, 103.

The Counterinsurgency Campaign

During the early 1960s, there was a rapid expansion of the economic and transportation infrastructure of Thailand and highly significant advances were made in agriculture and public health. Indeed, the country's economic progress and political stability led the United States, Thailand's major aid donor, to steadily decrease its economic assistance, which by 1964 had reached a ten-year low.

At this time, there were two major insurgent organizations operating in the southern-most provinces: A Muslim separatist movement, consisting of a few hundred guerrillas who sought to unite the border provinces with the newly established federation of Malaysia; and the Communist Terrorist Organization (so called by the Thais), which consisted of about 1,000 Malaysian communist guerrillas who had been operating out of sanctuaries in Thailand since their expulsion from Malaya by the British in the late 1950s. Neither of these groups were considered to pose a serious threat to Thai sovereignty; and in 1965, the Malaysian government agreed to cooperate with the RTG by establishing a joint headquarters at the southern Thai port city of Songkla and conducting joint operations against the insurgents.²¹

By far the most insecure area of Thailand was the economically depressed northeast, a region encompassing almost one-third of Thailand's territory and population.²² In 1965, the region became

²¹ Randolph, 86.

²² "... One aspect of the Northeastern equation has been ethnic, as most of the population are Lao-Thai, related in both origin and dialect to their cousins across the Mekong. The Thai government has been highly sensitive to the

the center of an insurgency by about 1,000 Thai communist guerrillas; and, by 1968, Thai military analysts estimated that their number had risen to almost 2,000 and that they had the support of some 10,000 village sympathizers.²³

While the Thai communist insurgency remained small compared to the communist uprising in Malaya during the 1950s or the situation in Vietnam, American policy planners feared that, if it were left unchecked, it would develop into a far more serious guerrilla war. Consequently, beginning in 1965, the United States reversed its policy and began to substantially increase economic and technical assistance to encourage the Thais to develop a counter-insurgency campaign, particularly in the politically sensitive provinces of the northeast.²⁴

possibility of appeals to these Thais by Laotian communist propaganda. More important to the insurgent problem, however, have been the economic backwardness of the Northeast and the history of government neglect from which the region long suffered. An arid plateau, Northeast Thailand suffers from a serious lack of rainfall and has few natural resources. Transportation was... inadequate, and health conditions poor... The relative economic deprivation of the region, coupled with this history of governmental indifference and a general weakness of central authority, made the Northeast the most insurgent-prone area of Thailand, a vulnerability aggravated by a long and highly porous border with Laos, over which men and equipment can flow freely." *Ibid.*, 87.

²³ *Ibid.*, 87-8.

During 1967 assassinations were running about ten a month and armed clashes about one a day. Muscat, 154.

"... By the end of 1973, it is estimated that there were about 6,500 armed insurgents in the Thai (Communist) Peoples Liberation Army, divided as follows: 2,400 in the Northeast; 2,100 in the North; 1,600 in the Mid-south... and 400 in the Central Area. Saiyud Kerdphon (sic), "Counterinsurgency: Grounds for Cautious Optimism," *Bangkok Post*, 3 March 1977; cited in Morel, 90.

²⁴ From a low of \$30.8 million in 1965, overall U.S. military assistance to Thailand rose to \$40.3 million in 1966, \$59 million in 1967, \$76.5 million in 1968, and \$73.5 million in 1969. American military assistance counted for 24.4 percent of the total Thai defense budget in 1965, 28.1 percent in 1966, 31.1 percent in 1967, 32.5 percent in 1968, and 28.6 percent in 1969. "Symington Hearings, Part 3-Kingdom of Thailand," 633-34; cited in Randolph, 91.

A U.S. funded Public Safety Program, which had been initiated in 1957, was rapidly reoriented and expanded: In addition to providing for a dramatic increase in the number of police personnel, the Program financed the construction of more than 850 new police stations, of which about 500 were located in the northeast, and equipped them with communications gear.²⁵

A special paramilitary unit, the Border Patrol Police, was established to police and patrol Thailand's 3,000 mile border. The elite troops were trained and equipped to engage in internal security

In 1965, the RTG used the increased support to establish the Communist Suppression Operations Command (CSOC). Headquartered in Bangkok, the CSOC was charged with the responsibility of coordinating all counterinsurgency efforts of "all concerned agencies of the Thai government, including the civil bureaucracies (the Department of Community Development, Accelerated Rural Development (ARD), and the Department of Local Administration), the police and the military...

"... The CSOC concept had originated with American advisers who had perceived the need for nonmilitary as well as military response to the insurgent challenge... Colonel (now General) Saiyud Kerdphol, a graduate of the U.S. Army Staff College, was selected as Director of Operations, with Field Marshal Prapart serving as commander."

In October 1967, political rivalries caused the military to appropriate to itself the dominant role in the CSOC; and this led to a return to primarily military methods in dealing with the insurgent problem. *Ibid.*, 120-1.

²⁵ *Ibid.*, 98.

"... From 1957 through 1964, U.S. aid to the (Thai National Police Department) totalled slightly over \$6 million... Dollar funding increased to \$12 million in 1966 and \$17 million in 1967 (with basic equipment needs satisfied by earlier programs, funding declined in 1968 to \$13 million, and in 1969 to \$7 million). Over that same period, Thai counterpart funds equivalent to approximately \$27 million supplemented the (U.S.) effort, as did significant additions to the regular TNPD budget.

"From 1964 through 1969, TNPD manpower also increased, from 51,000 to 74,000; annual recruit training capacity was in that same period increased from 1,600 in 1965 to approximately 11,000 in 1964. The annual police budget, which stood at \$12.7 million in 1957, had by 1969 risen to \$62.5 million... U.S. Overseas Mission, "A Brief History of USOM Support to Thai National Police Department," USOM Office of Public Safety, August 1969 (mimeo); cited in *ibid.*, 97.

operations, but also to implement a variety of civic action projects designed to win the loyalty of local villagers.²⁶

Most U.S. funding for the counterinsurgency campaign was provided under a program known as "Accelerated Village Development" (ARD). Like the "Village Self-Development" Program, sponsored by the United States in South Vietnam, the ARD was designed to strengthen the coalition government by decentralizing decision-making under the general supervision of the provincial governors and by providing staff and funding for local development projects. By 1969, ARD was operating in all fifteen provinces in the northeast, seven in the north and one in west central Thailand.²⁷

Under the Village Security Unit Program, also funded by the United States, villagers in insecure areas were provided arms for

²⁶ *Ibid.*, 98-99.

In October 1966, some 600 U.S. Special Forces personnel were assigned to provide counterinsurgency advice and training to their Thai counterparts. *Ibid.*, 91, 92.

While the U.S. advisers were prohibited from becoming directly involved in operation, other U.S. Army and Air Force personnel did engage in civic action activities in the northeast, including well-digging, road and school construction, and providing medical services.

In 1968, however, all such activities by U.S. personnel were restricted to areas immediately adjacent to U.S. bases and by 1970 all civic action operations were to be conducted solely by Thai personnel. It was felt that American involvement might create an undesirable dependence on the part of the Thais and that the Thais could best handle relations with the local populace without interference from foreigners. Thus, unlike the policy in South Vietnam, U.S. advisory personnel were excluded from direct involvement in all counterinsurgency operations.

²⁷ By 1970, U.S. funds for the ARD totalled some \$54.6 million; and the Program had succeeded in increasing development personnel in twenty-seven target provinces from 100 to 5,000 and in constructing about 2,500 kilometers of all-weather roads, 1,500 kilometers of service roads, 125 dams, 244 ponds, and 1,336 wells. *Ibid.*, 103-4.

In addition, the United States funded a Security Roads Program which extended road-building projects under way since the mid-1950s and resulted in the construction of 310 miles of roadway and 114 bridges in the north and northeast at a cost of \$5.1 million. *Ibid.*, 100.

their own defense, as well as communications equipment to link them with local police units. U.S. advisors also assisted the Thai police and military in conducting psychological warfare activities in remote villages.²⁸

The Hmong of Thailand

The Hmong (or Meo) are a tribal, agricultural people who began migrating to Laos and Thailand from China during the mid-nineteenth century as a result of the breakdown of law and order under the weak rule of the Manchus. They and other ethnic minority tribespeople were attracted to the possibility of growing opium and other crops in the wide expanses of open hills in what later became Thailand's northern provinces.²⁹ Today, the Hmong make

²⁸ *Ibid.*, 100, 106.

Years later, in assessing the impact of the U.S. contribution to the counterinsurgency campaign, one authoritative observer pointed out that "... Despite the catalogue of institutional and operational difficulties which surrounded the American effort, the U.S. aid program could claim, to its credit, a number of achievements. Though Thailand's rural insurgency continued to grow through the late 1960s and early 1970s, it might well have grown faster in the absence of American assistance. Unquestionably, the Border Patrol Police have made a major contribution to the Thai security effort, and the USOM (U.S. overseas aid mission)-sponsored expansion of the (Thai National Police Department) permitted an extended and necessary government security presence in the countryside... Americans did succeed in communicating to some echelons of the Thai government the need to decentralize decision-making to the local level. That realization was to some extent operationalized by ARD, which placed significant new resources and authority in the hands of the... governors. It is also apparent that USOM's road construction and other economic development programs... have in fact contributed in a meaningful way to the development of the Northeast and other target areas. Transportation, health, education, agriculture, and livestock have all seen improvement as a result of USOM programs, and Thailand's rural villages are now more effectively linked to Bangkok and the rest of the nation." *Ibid.*, 123-4.

²⁹ "Although there are nine main ethnic minority groups of hill people (settled in Thailand), there are more than twenty subdivisions and varieties.

"The distinct groups are: Meo and Yao, both of a Chinese origin, with similar languages; Lahu, Lisu, and Akka (Ikaw) who have a more complex, Tibetan-Burmese origin; and the Lawa, Htin and Khamu groups who have

up about 50,000 of the estimated 400,000 native ethnic minority tribespeople living in Thailand.³⁰

Though it has received little attention from scholars, the migration of Hmong and other tribal minorities from China during the past century has greatly complicated the contemporary politics of most of the nations of Southeast Asia. This has been especially true of Thailand: The incorporation of the regions of tribal settlement into Thailand during the late 19th century led to a rivalry between the tribal minorities and the Thais settlers over control of what the Hmong and other ethnic minorities had come to regard as their tribal lands. Later, the troubled history of this rivalry would do much to harden the attitude of Thai officialdom toward the influx of kindred tribesmen fleeing from the communist regime of Laos.

mainly adopted Thai dress." D.J. Thomas, "The Hill People of the North," *Bangkok Post Sunday Magazine*, 20 November 1977, 5.

"The fact that a major part of the tribes - especially the Meo, the Yao and the Lolo - migrated from south China only in the past century and that a much larger number of their kin still live in China (and often in better conditions) makes the situation more complex and volatile. According to a 1953 census there were then 2.4 million Meo and 510,000 Yao in China - much more than the total Meo and Yao population in Laos, Thailand and Vietnam." Nayan Chanda, "A New Threat From the Mountain Tribes," *FEER*, 1 September 1978, 8-11.

³⁰ According to one authority, there were about 314,000 ethnic minority tribespeople, including about 200,000 Karen and 50,000 Hmong, living in Thailand in 1970. Paul W. Lewis, *The Hill Tribes of Thailand* (Chiang Mai, Thailand: Faculty of Social Sciences, Chiang Mai University, November 1970), 3, cited in Robert M. Hearn, *Thai Government Programs in Refugee Relocation and Resettlement in Northern Thailand* (Auburn, N.Y.: Thailand Books, June 1974), 6.

Another authority has estimated that, by 1986, the number of hilltribe minority groups in Thailand had grown to nearly 400,000, but he maintained that the Hmong still numbered about 50,000. Alan G. Wright, "A Never-Ending Refugee Camp: The Explosive Birth Rate in Ban Vinai," manuscript (Bangkok, 1986): 9, cited in Robinson, 235.

The "Red Meo" Legacy

Since the late 1950s, the Thai communists had tried to foment unrest among the various tribal people in the remote and rugged region of the northern provinces bordering Laos, but their efforts met with very little success. By 1967, however, unrest among the Hmong and other tribespeople in the area afforded the Thai communists and their Laotian allies, the Pathet Lao, a welcomed opportunity.

While Thai strategists did not appear to be as concerned about the Thai guerrillas in the northeast as were their American counterparts,³¹ they became increasingly alarmed by the growing possibility that the Pathet Lao would arm and encourage disaffected tribesmen in the northern provinces to rebel and support Laotian claims to these territories. In order to forestall such a development, the RTG, with U.S. economic and technical support launched a special program to establish military outposts and to improve educational and health services in the tribal areas of the north.

³¹ "One of the first challenges faced by American planners was the basic reluctance of the RTG to adequately acknowledge the growing insurgent threat. the long-standing centralization of political, economic and social power in Bangkok had produced in Thai officialdom a striking lack of interest in the affairs of the provinces. In addition, there existed in Bangkok a broad sense of complacency concerning the loyalty of the Thai people; it was commonly believed that the communist movement was a local Chinese phenomenon that could not appeal to a 'true' Thai. this also explains a similar assumption by many in the RTG that the Thai government was capable of handling any domestic situation that might arise. The close association of Thailand with the United States in the late 1950s and early 1960s had in fact been brought about by Thai government fears of external developments in Indochina rather than by fear of domestic revolt. This was an obstacle which (U.S. Ambassador Graham) Martin, his successors, and other American representatives in Bangkok and the field were continually forced to contend. Randolph, 95.

Regardless of the good intentions which may have underlain efforts by the RTG to improve services to the tribespeople, the heavy-handed effort of the local Thai officials and the steady encroachment of Thai settlers on land which the tribes regarded as their own led to a series of sporadic demonstrations and violent clashes between the tribespeople and Thai police and troops.³² The most serious incident occurred in the Hmong village of Doi Chompoo in Chiangrai Province, when the villagers refused to pay local RTG officials for licenses to grow poppy, their principal cash crop. The Thais reacted by burning down the village; and this sparked a rebellion by the Hmong in four provinces during 1967-68. The Royal Thai Army finally succeeded in suppressing the rebellion, but only at a great cost in men and material.³³

³² "... Even today, the North has more ecological and demographic affinities with the neighboring Shan states of Burma, the Chinese border, and Laos, than with the densely populated, humid plains of the central and southern regions of Thailand. The intensification of government-sponsored attempts to claim the hills and remote areas for the Thai state seems to have exacerbated tensions between the indigenous populations and the new (Thai) settlers. For not only through establishing peripatetic and intermittent posts in the hills did the Thai presence visibly increase. Concurrently, thousands of low-land Northern Thai (Khonmuang) peasants, owing to increased rural indebtedness and the loss of their land, migrated up into the hills to become swidden farmers, depriving the uplanders further of the high ratio of land to population required for swidden agriculture. Inevitably, these settlers were protected and to some extent attracted by the presence of government installations. This occurred to such an extent that today a large number of shifting cultivators are, in fact, ethnic Thai..." Nicholas Tapp, *Sovereignty and Rebellion: The White Hmong of Northern Thailand* (Singapore: Oxford Univ. Press, 1989), 36.

³³ "... The Royal Thai Army and Airforce were dispatched to the area, and the government treated the movement, which in its origins was a local one, as a full-scale insurgency. Troop assaults, napalm, and heavy artillery strikes were employed, and hill villages suspected of harbouring insurgents were bombed from the air. Local Chinese militia and members of other minorities, such as the Akha, were also mobilized against the Hmong. As uplanders and highlanders alike fled into the forest or into the lowlands, five major refugee centers were established by 1971 in the provinces of Tak, Nan, Chiangrai, Petchaboun, and Phitsanalouk, in accordance with the policy

While the RTG has tried to promote the assimilation of the tribes into Thai society by expanding social services, the primary grievance which led to the "Red Meo War," as the rebellion was called by the Thai, remains to be redressed: The Thai government has never granted citizenship to the tribespeople, nor recognized their claims to tribal lands.

Thailand and the Vietnam War

During 1964, as fighting greatly intensified in South Vietnam and the U.S. Air Force expanded air combat operations over North Vietnam, the United States looked to Thailand to provide bases which might supplement the badly strained facilities available in South Vietnam. Eager to increase America's commitment to their own security, the Thais readily agreed to cooperate: The Thai bases used for cover air operations in Laos were to be expanded and new bases established in order to facilitate U.S. tactical air strikes in both South and North Vietnam.³⁴ The RTG would also permit the Americans to

spelled out by General Prapas at a news conference in 1968 that the hill-people in general should abandon their 'nomadic' existence." *Ibid.*

³⁴ "... Moved by considerations of national security, the Thai government was impelled... to push the United States as far as possible toward militancy in Vietnam and toward an unequivocal commitment to Thailand's defense. In this sense, the provision of Thai territory for base and other facilities not only furthered the cause of anti-communist victory in Vietnam but also served to draw the United States ever more closely to Thailand itself. The affording of base rights to the U.S. also served as an indispensable counter in bargaining for American military and economic aid. In the hard-nosed world of give-and-take, the continuous American requests for more bases, more planes, and higher personnel ceilings were met by Thai counter-requests for appropriate quid pro quos, most commonly in the form of increased aid commitments. This, the Thais felt, was only appropriate, given that they had exposed themselves to the danger of communist retaliation by their cooperation with the United States." Randolph, 65.

expand or communication and intelligence facilities and establish new ones, the most important of which was the listening post at Ramasun.³⁵

Beginning in 1965, the United States became increasingly dependent on the use of Thai bases in the air war over Indochina; and, during 1966, the Thais agreed to make two more bases available for the war effort: A new facility for F-4C fighter planes was constructed at Ubon in the northeast; and the RTAF base at U-Tapao, south of Bangkok on the Gulf of Thailand, was expanded for the use of the giant B-52 bombers.³⁶

The process of informal consultations and oral agreements between U.S. officials and key Thai military leaders, which characterized relations between the United States and Thailand

³⁵ "... The uniqueness and importance of Ramasun is indicated by the fact that the station's legal status was defined in the only extant written agreement concerning bases or other facilities signed between Thailand and the United States... That agreement, signed by Air Chief Marshal Dawee Chulyasappa and U.S. Ambassador Graham Martin, gave the United States government 'unrestricted use' of the land and facilities for an indefinite period. It was drawn in English, with no Thai language version. As a top-security installation, Ramasun was the only U.S. facility in Thailand never to have a nominal Thai commander, and for most of its operating life no Thai officials were allowed inside. Operation of the post was the responsibility of the U.S. Army Security Agency and the International Security Agency." See *FEER*, 30 April 1976, for the text of the Ramasun agreement; cited in *ibid.*, 62.

³⁶ It has been estimated that the United States expended some \$388 million between 1965 and 1976 on the construction and improvement of Thai base facilities. *Ibid.*, 76.

At the height of the air war, there were some 50,000 U.S. servicemen and 600 aircraft stationed on Thai territory. From 1965 through November 1, 1968, when the United States unilaterally ended the bombing campaign, fighter bombers from just two of the bases, Korat and Takli, delivered about 90,000 tons of bombs on North Vietnam, or about 75 percent of all the ordinance dropped on that country during the course of the war. "History of the U.S. Air Force at Korat RTAFB," Deputy Commander 7/13th Air Force, Thailand - Fact Sheet and Histories; and "History of the 388th Tactical Fighter Wing, Korat RTAFB, Thailand," U.S. Air Force, August 1, 1974 (mimeo); both cited in *ibid.*, 59.

with respect to covert operations in Laos was allowed to continue by mutual consent. With the sole exception of the top-security installation at Ramasun, all facilities provided for the use of American military personnel in Thailand remained Royal Thai military installations under at least nominal Thai military control. It is interesting to note that, apart from the Ramasun facility, there were no written agreements defining the nature of the use of the facilities by U.S. personnel or the legal status of those personnel in Thailand.³⁷ All matters regarding the use of Thai facilities, including the major air bases, and the status of U.S. servicemen were decided upon by means of informal consultations, often on a case-by-case basis.

The extraordinary level of informal cooperation which characterized relations between the U.S. Embassy and the Thai military was to continue for almost a decade because it served the interests of both parties so well: The lack of written agreements meant that the U.S. military could avoid Congressional oversight of

³⁷ "... In 1967, with the American force build-up well under way, the United States sought to negotiate a Status of Forces Agreement regulating the legal status of American in-country personnel... Above all, the United States insisted that American personnel not be subjected to Thai law for offenses committed while on duty... The Thais, for their part, wanted no legal agreement. One reason for this was no doubt their historic sensitivity to questions of jurisdiction, growing out of the capitulations treaties of the nineteenth century which permitted foreign consular courts on Thai soil.

... Sensing the impasse, U.S. Ambassador Leonard Unger... pursued a different track, working with both the military and (Foreign Minister) Thanat (Khomman) (in one of the few instances where the Foreign Ministry was allowed to enter into military-related matters), a mutually acceptable solution was worked out along peculiarly Thai lines. As most on-duty crimes charged to Americans were connected with traffic accidents, Thais were hired to do most of the driving. When more serious crimes were committed, the Americans would, by mutual agreement, quickly and quietly bundle off the offender for trial in the United States. No written agreement was ever drawn, yet the system worked smoothly... " *Ibid.*, 75.

its operations in Thailand and that the Thais would not be burdened with any written evidence which might suggest that Thai sovereignty was being impaired by the presence of foreign bases on Thai soil.³⁸

The lack of formal legal recognition of the U.S. military presence also provided the Thais a "denial function" in their propaganda duel with the communists: As one observer put it, "if no legal document existed which said U.S. bases were in Thailand, it could in that sense be denied that any bases existed."³⁹

In the Thai view, military cooperation with the United States was based primarily on mutual interest and was taking place within the framework of the SEATO alliance. Thus, the Thais maintained there was a sufficient legal basis for regarding all matters of interest to the two allies as "internal concerns" which required only mutual consultation for their resolution. In practice, this meant that matters involving tens of thousands of U.S. servicemen and hundreds of millions of dollars were decided upon over a period of a decade by means of informal consultations between the U.S. Embassy and three key members of the RTG Supreme Command: Field Marshal Thanom Kittikachorn, who replaced Sarit as prime minister in 1963 and also was serving as Commander-in-Chief of the Thai armed

³⁸ "... It was not perceived to be in the American interest... to deepen the American defense commitment to Thailand beyond the language of the Manila Treaty or the Rusk-Thanat Communique. This can be explained by a hesitancy to become further involved in southeast Asia, a fear that the Senate might refuse to ratify a new bilateral pact, and the perception that American interests in the defense of Thailand were adequately met by the Manila Treaty. What this meant in practical terms, was that a bilateral defence treaty between the United States and Thailand, such as then existed between the United States and the Philippines, was beyond the reach of the Thais." *Ibid.*, 66.

³⁹ *Ibid.*, 74.

forces; General Prapart Charusthien, who was serving as Deputy Prime Minister, Commander of the Army and Interior Minister; and Air Marshal Dawee Chulyasappa, the Deputy Defense Minister and Commander of the Air Force.⁴⁰

Prior to 1966, American policy planners were primarily interested in Thailand as a staging area for U.S. air power to be used in the Vietnam War. However, as ground fighting continued to escalate in South Vietnam and the involvement of U.S. forces in the War came under increasing criticism both at home and abroad, the United States requested that the Thais and other SEATO allies make a more visible commitment to the war effort by sending at least token forces to join in the fighting. The RTG initially agreed to send a contingent of 2,200 men, who arrived in South Vietnam in July 1967; and, following a pledge by the United States of a substantial increase in military assistance, the Thai government agreed to send a combat division, totalling about 12,000 men by 1970-71, a number which amounted to about 14 percent of the

⁴⁰ "... Throughout the 1960s, the Thai military was, as it had been with little variation since 1932, in firm control of the government. Effective political power remained the monopoly of a small number of top-ranking officers who occupied the highest governmental posts and, not coincidentally, the highest positions in the Supreme Command.

"The reverse of this situation was that little real power was given to the civilian ministries, particularly the Ministry of Foreign Affairs (MFA). Though the MFA was permitted to perform routine diplomatic functions, it was almost entirely precluded from a policymaking role. The most important function served by the Ministry during this period was the broadcast of independent-sounding noises which served notice on the United States that the Thais were not to be taken for granted, and also eased Thai sensitivities concerning the presence of foreign troops on their territory. But in matters with military implications, and particularly those affecting relations with the United States, the Ministry was all but excluded. This suggests the way in which Thailand's military leaders perceived the American relationship - i.e., in personal, hence military, terms. In matters of national security, all important decisions were reserved to the military..." *Ibid.*, 72.

Thai army's strength at the time.⁴¹

Thailand and ASEAN

The Afro-Asian Conference, hosted by Indonesia in Bandung in April 1955 marked the formation of the first significant forum since World War II, in which nations of the third World could assert their claim for a role in the conduct of world affairs which would be independent of the demands of the conflicting blocs engaged in the cold war. However, regional groupings of Third World nations, which might have provided substantive policies in fulfillment of such a role were slow in coming: In Southeast Asia, as in other areas of the Third World, attempts at regional cooperation were seriously hindered, as one scholar put it, "by the preoccupation of most countries with the pressing post-independence tasks of adapting to the severance of colonial links, establishing and

⁴¹ *Ibid.*, 79-80.

It was estimated that support costs for the Thai troops cost the United States an average of \$50 million per year. U.S. Congress, House, "Political Situation in Thailand," hearings...before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, 93rd Congress, 1st. sess., October 24, 1973 (Washington: U.S. Government Printing Office, 1974), 98.

"... the United States agreed to pay those expenses related to the dispatch and maintenance of the Thai division in Vietnam. This included the costs of training prior to deployment (including the cost of construction of the camp where they were trained), uniforms and individual issue items, overseas allowances, death and disability benefits, costs of quarters and rations, and a mustering out bonus. By mutual agreement, all equipment used by the Thai division in Vietnam was, on its return, to remain the property of the Thai government (the United States, in effect, agreed to fully equip a Thai army division). These benefits were in addition to the boost in military aid (from \$60 million to \$75 million in FY1969) and the HAWK (anti-aircraft) missile battery that the U.S. agreed to supply. In direct support alone, the U.S. subsidy for Thai forces in Vietnam totalled \$200 million for the period 1966-69." "Symington Hearings, Part 3-Kingdom of Thailand," 624-6, 657, 842-4, 896-7; cited in *ibid.*, 80.

consolidating indigenous political and economic institutions and achieving national integration."⁴²

Nevertheless, in the early 1960s, for the first time in their history, two region groupings were formed exclusively for Southeast Asian nations and at their own initiative: The first of these was the Association of Southeast Asia (ASA), which was established in Bangkok on July 31, 1961 and linked Thailand, Malaya and the Philippines. The stated objective of ASA was to promote cooperation in the areas of economics, culture, science and administration, but even this modest approach toward regional unity was disrupted during the latter part of 1963 as a result of deteriorating relations between Malaya and the Philippines over the latter's claim to North Borneo, which, under the name of Sabah, was incorporated into the Federation of Malaysia in September 1963.

At about the same time that the activities of ASA were being suspended, the Philippines began promoting proposals for the creation of a "Greater Malay Confederation," later dubbed "Maphilindo" by combining the first syllables of the names of the three proposed member countries - Malaya, the Philippines and Indonesia. Maphilindo was finally formed at a meeting in Manila during July-August 1963 of the heads of state of the three countries. The primary objective of the new organization was to promote the reconciliation of differences which had arisen from the establishment of the Malaysian Federation, but, soon after it had been born,

⁴² Roger Irvine, "The Formative Years of ASEAN: 1967-1975" in *Understanding ASEAN*, ed. Alison Broinowski (New York: St. Martin's Press, 1982), 9.

its activities were curtailed when Indonesian President Sukarno launched his policy of *konfrontasi* against Malaysia.⁴³

An abortive communist coup in Indonesia on October 1, 1965 led to the political demise of President Sukarno and thereby weakened the *konfrontasi* policy. During May-June 1966, formal talks between Indonesia's Deputy Prime Minister Adam Malik and Malaysian Deputy Prime Minister Tun Abdul Razak, hosted in Bangkok and mediated by Thai Foreign Minister Thanat Khoman, led to an agreement in August which formally ended *konfrontasi*. With the achievement of reconciliation between Indonesia, the region's largest state, and Malaysia, a major obstacle to regional cooperation had been removed.

Following the election of President Ferdinand Marcos in November 1965, the Philippines began to soften its claim to Sabah and, as a consequence, her relations with Malaysia began to improve as the Thai foreign minister attempted to mediate this dispute as well. In March 1966, ASA was revived and quickly expanded its activities.⁴⁴

After the formation of Malaysia (September 16, 1963), a dispute arose between Malayan and Singaporean leaders over the management of communal and economic policies. This led to the separation of Singapore from Malaysia in August 1965.

Thus, by the end of 1966, most of the major regional disputes had been more or less resolved; and this opened the way for the

⁴³ Irvine, 9; and Tim Huxley, "ASEAN Security Cooperation - Past, Present and Future" in *ASEAN Into the 1990s*, ed. Alison Broinowski (New York: St. Martin's Press, 1990), 83.

⁴⁴ Irvine, 10-11.

delegates to both the ASA and Maphilindo to explore the possibility of forming a new and more broadly based grouping: Following a series of negotiations based largely on a draft circulated by Thanat, representatives from Thailand, Malaysia, the Philippines, Indonesia, and Singapore met in Bangkok and issued a Declaration (August 8, 1967), establishing the Association of Southeast Asian Nations (ASEAN).⁴⁵

The Declaration indicated that the purpose of the new organization was, *inter alia*, "1. To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership... and "2. To promote regional peace and stability through abiding respect for justice and the rule of law... and adherence to the principles of the United Nations Charter."

The Declaration also called for annual meetings of the foreign ministers of all the signatories and special meetings whenever necessary, the establishment of a Standing Committee and other committees of "specialists and officials on specific subjects," and the creation of a National Secretariat in each member country "to carry out the work of the Association on behalf of that country and to service the Annual or Special Meetings of Foreign Ministers, the Standing Committee and such other committees as may be established."⁴⁶

⁴⁵ Text in Michael Leifer, *ASEAN and the Security of South-East Asia* (London: Routledge, 1989), 160-2.

Brunei was to become the sixth member of ASEAN in 1984.

⁴⁶ The central Secretariat was established in Jakarta and several specialized inter-governmental committees were formed to work in the fields of trade, transportation, communications, agriculture, science, finance, and culture.

In a gesture to both non-communist states such as Burma, Laos and Cambodia, as well as communist North Vietnam, the statement affirmed that "the Association is open for participation to all States in the South-East Asian Region subscribing to (its) aims, principles and purposes;" It also affirmed that all foreign bases located on the territory of member countries "are temporary... and are not intended to be used directly or indirectly to subvert the national independence and freedom of States in the area or prejudice the orderly process of their national development."

While the members may have had quite different motives for joining ASEAN,⁴⁷ the primary purpose of the organization was quite

⁴⁷ "The specific political motives of the five ASEAN states for joining the organization... varied widely. Thai foreign Minister Thanat Khoman hoped that ASEAN would become an organ for the 'collective political defence' of the region, so that for Bangkok a policy of regional co-operation could supplement and eventually replace its alliance with the United States. Indonesia wished to break out of the self-imposed isolation resulting from *konfrontasi* and Sukarno's steadfast avoidance of any co-operation with 'neo-colonialism'. While itself aspiring to some sort of regional leadership, Jakarta also wished to use ASEAN to provide regional cohesion in order to minimize opportunities for great power manipulation or domination, and especially to serve as a bulwark against a perceived threat of Chinese expansionism. Malaysia, the Philippines and Singapore all wished to divert Indonesia's energies into more constructive channels while satisfying Jakarta's desire for regional preeminence. Kuala Lumpur and Manila also saw ASEAN as a convenient structure for enhancing their own national prestige after the failure of ASA. In addition, Manila hoped that ASEAN membership would enhance the Asian identity and trading links of the Philippines as a counter-balance to a continuing close relationship with Washington. Singapore saw ASEAN as an opportunity to associate with its larger neighbours on an equal basis and to stress its Southeast Asian (rather than 'Chinese') identity." Huxley, 84.

"... For Indonesia, ASEAN provided an opportunity to legitimate its regional leadership aspirations after years of confrontation under Sukarno. For Thailand, ASEAN membership was a mechanism for redressing the imbalance in a foreign policy that had become overreliant on the United States during the second Indochina war. Membership in a regional, ostensibly nonaligned group would signify a return to Bangkok's traditionally flexible diplomacy. Similarly the Philippines could diversify its foreign alignment risks as ASEAN provided an alternative to what appeared to be a declining American interest in Southeast Asia. Moreover, loosening its ties to Washington and joining a regional organization enhanced the Philippine's credentials

clear: By promoting the creation of a web of cooperative efforts in a wide range of areas, the Association would establish a milieu for the reconciliation of regional disputes and thereby permit the more effective use of resources by each member state in the its pursuit of economic development and greater internal security. Soon after it had been formed, events in Indochina were to put the cooperative links within ASEAN to a severe test.

as an independent Asian state rather than a mere U.S. client. For Malaysia, ASEAN signified the end of its conflict with Indonesia. The least enthusiastic ASEAN member was probably Singapore - a globally oriented city-state that joined the Association because political survival dictated the necessity of a modus vivendi with its neighbors. leaders in Singapore held that it would be better for Singapore to work outs its economic problems and security preferences within a peaceful institutional framework than risk the possibility of being squeezed by its two large Malay neighbors. Moreover, membership in ASEAN demonstrated Singapore's commitment to Southeast Asia and helped lay to rest any lingering suspicion that the city was a Trojan horse for China." Sheldon W. Simon, *The ASEAN States and Regional Security* (Stanford, CA: Hoover Institution Press, 1982), 10-11.

Chapter III: Thailand After the Vietnam War

From 1950 onward, Thai foreign policy had been predicated on maintaining and, if possible, expanding the American commitment to Thailand's security, which had been embodied in the Manila Treaty and reiterated in the Rusk-Thanat Communique of 1962. As one authoritative observer has noted, "Based largely on that commitment, Thailand had abandoned its traditional policy of flexible, adaptive diplomacy in favor of an unqualified politico-military alignment with the United States against the emerging communist forces of the region."¹

By early 1968, however, it had become clear that several major developments had dramatically altered the balance of power in Southeast Asia and required a reappraisal of the security policies of Thailand and the other members of ASEAN: China had been engulfed in the turmoil of the cultural revolution and had engaged in open hostilities with the Soviets along the Sino-Soviet frontier; the British had announced that they would withdraw all of their forces east of Suez by 1971; and, in the aftermath of the Tet offensive in early 1968, it was becoming increasingly evident that the Americans had grown weary of the war in Vietnam and were weakening in their determination to prevent the spread of communism in Southeast Asia.

¹ Randolph, 130.

The U.S. Disengagement from Vietnam

The first serious indication of a change in U.S. resolve came on March 31, 1968 with the announcement by President Lyndon Johnson of a partial unilateral halt to the bombing of North Vietnam and his decision not to seek re-election as president. The Thais were somewhat assured when Johnson was succeeded by Richard Nixon who was regarded as friendly to Thailand and more understanding of the strategic realities of the region than was his predecessor

Soon after assuming office, however, President Nixon announced that the withdrawal of U.S. troops from Vietnam was a high priority and that the troops would be withdrawn as soon as adequate South Vietnamese forces could be trained or until other developments, such as success in the negotiations with Vietnam then underway in Paris, made such a move feasible. On May 14, the President announced an eight-point plan for peace in Vietnam which included a provision for the withdrawal of all "non-South Vietnamese forces." Then, on June 8, in a meeting with South Vietnamese President Nguyen Van Thieu on Midway Island, Nixon announced the unilateral withdrawal of 25,000 U.S. troops from Vietnam within two months.

On July 25, 1969, at an informal press conference in Guam, President Nixon announced that, while the United States intended to uphold its commitments to Thailand and the other members of SEATO, and would continue to "furnish military and economic assistance when requested and appropriate," henceforth it would "look to the nation directly threatened to assume the primary

responsibility for providing the manpower for its defence.² In other words, future support by the United States would be supplementary and would not involve the use of American ground forces.

On August 26, it was announced that the United States and the RTG had agreed on a phased withdrawal of U.S. forces in Thailand from the current level of 48,000 men to about 32,200 by May 1971.³ Later, it was announced that U.S. economic aid to Thailand would be directed away from counterinsurgency programs and would focus on programs to benefit the rural poor in the areas of food and nutrition, population planning and health, and education and human resource development; as well as a program for the control of narcotics.⁴

Thailand's New Security Strategy

The Thais were deeply concerned over the failure of the Americans to consult with them before making public the announcement of the withdrawal and, despite high-level assurances of a

² "United States Foreign Policy, 1969-70" (sic), 36-7; cited in *ibid.*, 138.

³ "To bring about a major withdrawal of U.S. military power from Thailand was in fact no small step, as over the years the large-scale U.S. presence had produced a number of major social and economic impacts. With taking into account the impact of imported American goods used by U.S. troops, the scale of U.S. military spending in the Thai economy had been massive. According to a study made in October 1969, net U.S. military spending in the Thai economy totaled \$30 million in 1965, \$130 million in 1966, \$214 million in 1967, \$215 million in 1968, and an estimated \$170 million in 1969. Not included in those figures was U.S. military Assistance... or USOM's economic assistance program. At the height of the U.S. military construction program in 1967, American military and associated contractors employed approximately 44,000 locally hired workers...

"... (A)t its height, the U.S. military was the second largest employer in Thailand after the Thai government itself..." *Ibid.*, 173.

⁴ "The shift in AID policy corresponded with a general and continuous decline in the overall level of American economic assistance to Thailand, a trend that accelerated from 1969 onward... From a peak of \$65.9 million in total obligations in FY1967, U.S. economic assistance to Thailand fell by FY1975 to a low of \$9.2 million." *Ibid.*, 146.

continued, strong U.S. commitment to Thailand's security, they began to reappraise their relationship with the United States and the other powers in the region. As developments within the United States, and particularly in the U.S. Congress indicated serious opposition both to the U.S. effort in Vietnam and to America's continued involvement in Southeast Asia in general, Thai strategists began to consider how they might best extricate Thailand from the bonds linking her to the war in Vietnam and U.S. policy in the region.

Finally, under the leadership of Foreign Minister Thanat, one of the architects of the Manila Treaty and the Rusk-Thanat Communique, it was decided that henceforth Thailand would redirect its foreign policy by pursuing three objectives: 1) the withdrawal of U.S. forces from Thai territory as an indication of a reassertion of Thai sovereignty; 2) rapprochement with China in order to counter the regional influence of the Soviet Union and her client, Vietnam; and 3) the strengthening of the Association of Southeast Asian Nations (ASEAN) as a regional politico-economic counterbalance to the communist states of the region.⁵

ASEAN and the Balance of Power

Initially, the members of ASEAN responded to the changing realities of communist power in the region on an individual basis. Indonesia, for example, was alarmed at the overthrow of the Cambodian leader, Prince Sihanouk in March 1970 and feared it would open Cambodia to subversion by China. However, she was able to get little support within the Association for an effort to shore

⁵ *Ibid.*, 136.

up the successor regime of Lon Nol with material support. The Indonesians attempted to promote the neutralization of Cambodia by organizing a conference in Jakarta (May 16-17, 1970), but the other ASEAN members participated only on an individual basis and the conference was not regarded as an ASEAN effort.⁶

As noted above, one of the central objectives of Thailand's new strategy was to normalize relations with China in order to counter Soviet and Vietnamese influence. Here again, the initiative was taken alone because ASEAN could not reach a consensus on a policy towards China.

In light of the withdrawal of U.S. and British forces from the region, Malaysia proposed that Southeast Asia be neutralized in order to insulate it from the great power rivalries in the future. This proposal was accepted by the other ASEAN members and, at a meeting in Kuala Lumpur on November 27, 1971, the Association endorsed the so-called ZOPFAN declaration, in which they pledged "to exert initially necessary efforts to secure the recognition of, and respect for, South East Asia as a Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside Powers..."⁷

⁶ Carlyle A. Thayer, "ASEAN and Indochina: The Dialogue," in *ASEAN Into the 1990s*, ed. Alison Broinowski (New York: St. Martin's Press, 1990), 141.

⁷ Text in Leifer, 163-4.

"... This formal approval of the neutralization concept did not, however, lead to any concerted efforts towards implementation, because most of the ASEAN members had serious reservations about the proposal. Thailand and the Philippines saw their defence links with the U.S. as a better guarantee for their security than an attempt at neutralization, and Singapore preferred to derive its security from the presence of a great power balance of forces. Indonesia, as the largest state in the grouping and with aspirations towards regional leadership, was opposed to Malaysia's concept of a guarantor role

The "Internal Coup" of November 1971

As U.S. ground forces left Vietnam, there was increasing need for U.S. air support throughout Indochina. Thus, U.S. warplanes continued to fly from Thai bases to strike at targets in North and South Vietnam, as well as to support Royal Laotian troops and bomb communist troop and supply movements in Laos.⁸

The increased dependence by the United States on bases in Thailand was quite obviously at odds with the stated policy of the RTG to seek a new relationship with the communist states of Indochina and this contradiction gave rise to serious tensions among members of both the military and civilian elites. On November 11, 1971, when opposition delegates in the parliament threatened Thanom's

for the great powers, particularly if China was to be involved." Frank Frost, "Introduction: ASEAN Since 1967 - Origins, Evolution and Recent Developments" in *ASEAN Into the 1990s*, ed. Alison Broinowski (New York: St. Martin's Press, 1990), 6.

⁸ "In 1964, U.S. planes had flown twenty strikes over northern Laos; by 1968, U.S. sorties for all of Laos totalled 67,000, with U.S. aircraft playing a prominent role in direct support of the (Royal Laotian Government). American air activity over Laos continued at a high level through 1969 and peaked in 1970 and 1971, with U.S. aircraft flying 10006,872 attack and 75,431 other missions the first year and 95,495 attack and 91,069 other missions the second. Also 8,823 B-52 sorties (or 70 percent of all B-52 strikes for Indochina) were flown over Laos in 1971. In that year, 47 percent of U.S. tactical air strikes into Laos were flown from Thailand. "Thailand, Laos, and Cambodia: January 1972" (sic), 34-6; cited in *ibid.*, 148.

On June 7, 1971, the U.S. Department of State acknowledged that the United States provided support to "volunteers and to other forces, regular and irregular, in Laos. It revealed that "The United States helped to recruit, organize, and pay Thai 'volunteers' for service in Laos, as the war was beginning to go very badly for Meo and other irregular units in Laos..." The strength of the irregulars increased to over 21,000 by September 1971 and dropped to under 10,000 by August 1973. *U.S. Department of State Bulletin*, 65, (30 August 1971): 228, cited in U.S. Congress, House, "Political Situation in Thailand," hearings before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, 93rd Congress, 1st. sess., October 24, 1973 (Washington: USGPO, 1974), 99.

government over a vote on the budget, key military leaders staged what amounted to an "internal coup" directed against both the civilian opposition and members of the government itself: The Constitution was suspended, the National Assembly dissolved, and a new cabinet was formed which excluded Thanat, the framer of the new alignment policy. As one observer noted, "Thailand's military leaders had opted... for the safe course: a return to traditional authoritarian politics and to the security of the American relationship."⁹

The new government agreed to delay the plan for the withdrawal of U.S. personnel and, by the mid-summer of 1972, U.S. forces in Thailand had risen from 32,200 to more than 45,000 men, with 600 aircraft.¹⁰ Thailand had become "the last bastion" of American power in Southeast Asia and, with the exception of Germany the country with the largest concentration of American forces any where outside of the United States.

The RTG also agreed to cooperate with the Americans by increasing the number of Thai "irregulars" engaged in the covert war in Laos, which was financed by the United States: The number of these troops increased from 6,800 in 1969 to 21,400 in 1972; and they played a major role in combat operations against the Pathet Lao.¹¹

⁹ *Ibid.*, 142-3.

¹⁰ *Ibid.*, 155.

¹¹ *Ibid.*, 150, 153.

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By this time, as American troops in South Vietnam were being drawn down, the U.S. Congress had clearly demonstrated its disinclination to support military operations there or anywhere else in Southeast Asia. The Cooper-Church Amendment to the Defence Appropriations Act of 1970 (passed by the Senate on December 15, 1969) had forbade the use of U.S. funds "to finance the introduction of American ground combat troops into Laos or Thailand;" and the Fulbright Amendment to the Armed Forces Appropriations Authorization Act of 1971 (passed by the Senate on July 14, 1970) barred the use of funds for the financing of South Vietnamese or other "free world forces" in support of the governments of Laos and Cambodia.¹²

Under the so-called "Vietnamization" program, U.S. troops were to be withdrawn from South Vietnam as South Vietnamese troops became prepared to to defend their country. In light of "Vietnamization" and the unlikelihood of continued U.S. support,

strength of the irregulars increased to over 21,000 by September 1971 and dropped to under 10,000 by August 1973. *U.S. Department of State Bulletin*, 65, (30 August 1971): 228; cited in U.S. Congress, House, "Political Situation in Thailand," 99.

¹² "... On May 28, 1970, Thailand Formally recognized the new Lon Nol government (in Cambodia)... Serious consideration was given within the cabinet to sending a Thai expeditionary force to Cambodia, but no troops were committed when the United States proved unwilling to foot the bill. On August 3, however, Deputy Prime Minister Prapart revealed that Lon Nol and Thanom had reached an unwritten 'gentlemen's agreement' that Thai troops could enter Cambodia any time Thailand felt her security threatened by communist forces in that country." "Background Information Relating to Southeast Asia and Vietnam," (sic), 122; cited in Randolph, 152.

"... No regular Thai forces were actually ever sent, but an undisclosed number of Thai volunteers of Cambodian origin were trained and equipped with U.S. financial support to fight in that country." *Ibid.*

The RTG had announced in September 1970 that it would not send troops or volunteers to Cambodia, despite Cambodian requests, except in the case of "the last extremity, when the question is absolutely life and death." *Christian Science Monitor*, 12 September 1970: cited in U.S. Congress, House, "Political Situation in Thailand," 103.

the Thai troops also began to withdraw from South Vietnam, with the last units returning home in March 1972.¹³

ASEAN Overtures to North Vietnam

At an informal meeting in Manila in July 1972, the foreign ministers of ASEAN drafted a five-point proposal to settle the conflict in Vietnam: The proposal called for a ceasefire, the withdrawal of all foreign troops, the release of prisoners, negotiations for a political settlement between North and South Vietnam, and free general elections. It was quickly rejected by both North and South Vietnam.¹⁴

With the signing of the Vietnam Peace Agreement in Paris (January 27, 1973), ASEAN renewed its effort to normalize relations with North Vietnam: At the sixth ASEAN ministerial meeting held in Pattaya in April 1973, the Association called for a meeting of all Southeast Asian countries, an Asian Forum, which would attempt to enhance "mutual trust and understanding... at an appropriate time in the future." The ministers also agreed to establish a special committee to study the best methods for providing assistance to post-war Indochina. At the seventh ASEAN ministerial meeting held in Jakarta in May 1974, they repeated their call for an Asian Forum to include all of the states of Indochina.¹⁵

¹³ From an initial force of 2,200 men, the Thai military in South Vietnam increased in size to 6,000 in 1968 and to 12,000 in 1970-71. It was estimated that support costs for the Thai troops cost the United States an average of \$50 million per year. *Ibid.*, 98.

¹⁴ Thayer, 141.

¹⁵ *Ibid.*

The Anti-Thanom Uprising of October 1973

During the same period in which the relationship between Thailand and the United States was being transformed, deep-rooted tensions within the Thai body politic were beginning to emerge: The internal coup of November 1971 had not only resulted in the ouster of Foreign Minister Thanat and to a reversal of his policy of gradually reducing the level of cooperation with the United States so that new relationships could be formed with China and the communist states of Indochina, but also had stirred great resentment among many urban Thais for having interrupted the trend toward the strengthening of civilian parliamentary authority within the RTG.

There was also resentment on the part of many Thai for the apparent inability of the government to check the many serious social problems, most notably, "a nationwide explosion of prostitution," which had arisen largely as a result of the prolonged presence on Thai territory of large numbers of American military personnel.¹⁶ Even those Thai who were willing to overlook such problems in the past and give unqualified support to the Thai-American alliance against communism were dismayed by the government's apparent inertia in not being able to devise a new policy in response to the continued disengagement of U.S. forces from Southeast Asia, which many felt was a betrayal of Thailand's vital security interests.

In addition to a general loss of confidence in the ability of the RTG to deal with Thailand's complex military and diplomatic problems, the authority and prestige of the government was further

¹⁶ For a discussion of this problem, see Randolph, 174-5.

eroded by its inability to cope with rising inflation and a rice shortage during 1972, as well as by its inept handling of a minor political scandal involving hunting in a national game preserve.¹⁷

Opposition to the Thanom Government first began to coalesce among students and intellectuals affiliated with the National Student Center of Thailand (NSCT). Founded in 1968, the NSCT rapidly expanded as a loose association of separate campus groups to a nation-wide organization with more than 100,000 members.¹⁸ Under the leadership of Thirauth Boonmee, who had been elected Secretary General in August 1972, the NSCT moved quickly to challenge Thanom's rule by preparing its own version of a permanent constitution to replace the one abrogated by the coup of 1971.

On October 6, 1973, twelve activists were arrested in Bangkok for having distributed pamphlets urging support for the newly proposed constitution; and, on October 14, fighting broke out between student demonstrators and military and police units, which resulted in the death of about eighty demonstrators and the burning of several government buildings. It became clear during the demonstrations that there was widespread support for the students among the citizens of Bangkok and that the brutal suppression of the demonstrators had strengthened their resolve to oust Thanom.

¹⁷ *Ibid.*, 167.

¹⁸ "... In the absence of elections and party activities in 1972-3, the NSCT became an alternative political institution. It articulated people's grievances on various matters, and increasingly acted as a partial constraint on government, military and bureaucracy. Except for the Communist Party of Thailand, the students were the first group of political activists in Thailand to reach out to the masses...." Samudavanija, "The Bureaucracy," 100.

As it became clear that the government lacked both popular support and the support of key elements of the military, King Bhumibol intervened and use his influences to force Thanom, Prapart, and Thanom's son-in-law, Colonel Narong, to leave the country.¹⁹ The ousting of the Thanom clique marked, in the words of one Thai scholar, "the first time in modern Thai political history that a military regime had been toppled by extra-bureaucratic forces with mass support."²⁰

The King appointed Sanya Thamasak as prime minister and a cabinet was formed of well-known bureaucrats and scholars.²¹ He also established a National Convention of over 2,000 persons from every sector of the society; and the Convention in turn elected 299 delegates to serve in a National Legislative Assembly which was to promulgate a new constitution and serve as the legislature until nationwide elections could be held.

In this new climate of freedom, hundreds of interest groups were formed to demand that the new regime take effective action to resolve the many serious social, economic, and political problems

¹⁹ "... Though the final decision at the last critical moments had been made by the King and by other high-ranking military officers, it was popular opinion, as galvanized by the vocational and university students, that had forced their hands." Randolph, 168.

²⁰ Samudavanija, "The Bureaucracy," 172.

²¹ In December, a CIA agent drafted and sent to Prime Minister Sanya a letter which purported to have been written by a Thai insurgent, offering a military truce in exchange for RTG recognition of "liberated areas" in the northeast. Apparently, the ploy was undertaken in order to sow confusion among the insurgents and to awaken the new prime minister to the threat posed by them. In any event, it backfired as the origin of the letter became known and resulted in "a storm of protest from both the government and the student community" over what amounted to "a clear-cut example of the intolerable interference in Thai domestic affairs of which which the United States was widely believed to be guilty." Randolph, 170.

which had been allowed to fester for more than a decade.²² The most significant and influential of these groups were the new organizations of farmers and urban workers.²³

²² "In the late 1950s and 1960s, Thailand underwent rapid socioeconomic change: real economic growth of 7 percent or so per year; vast expansion of the educational system; rapid urbanization, especially in Bangkok; intensive industrial development, again primarily in the metropolitan region; explosive population growth, at one of the highest rates in the world (primarily the result of public health programs); disappearance of the rural rice farming frontier, and emergence of land pressure for the first time ever in this land of plenty; growing disparities in income, evident to rich and poor alike; and intense contact with western mores, commodities, tourists, and thousands of U.S. soldiers. At the same time, however, the political system was characterized by stagnation. Under the military regimes of Sarit (prime minister, 1958-1963) and his successor, Field marshal Thanom Kittikachorn (prime minister, 1963-1973), stability and order were maintained through a combination of techniques: suppression of political opponents, cooptation of intellectuals and businessmen, dominance over the communications media, and patronage based on extensive corruption." Morell, 5.

²³ "... Through their work camps prior to 1973, (NSCT organizers had) established contacts with rural people in villages in various parts of the country. these initial links were intensified and expanded during the (government's) 'Democracy Propagation Program' in 1974. The students were the first to tap the unorganized latent potential of the farmers and labourers. during 1973-4 they were instrumental in forming labour unions and farmers organizations throughout the country." Samudavanija, "The Bureaucracy," 100.

"... Although quite a number of formal interest groups did exist (before the coup), they were mainly commercial and trade associations. Pressure groups seeking to influence public policy and decisions on problems of the under-privileged (e.g. workers and farmers) were virtually non-existent. In essence, the bureaucracy was the only powerful pressure group...

"The months that followed the 1973 uprising witnessed the emergence of literally hundreds of new pressure groups, ranging from labour unions to the Young Monks Group... During these four years (1973 to 1976), total of 264 new pressure groups were formally identified. These groups were involved in 390 events in which demands were articulated and protests made against the government... About 95 per cent of the groups listed for 1973 were new organizations formed after the October events." *Ibid.*, 101, 103.

"Thailand's remarkable decade of high growth rate terminated at least temporarily in 1973. Following the overthrow of the military, labor strikes which had been banned under military rule, increased enormously. Over 2,000 labor strikes were carried out in 1973, almost all occurring following the October uprising, and some 1,500 strikes were counted in the first six months of 1974. In contrast, during the years 1969 to 1972, just over 100 labor strikes occurred...

"The post-uprising period also saw thousands of farmers traveling to Bangkok to demonstrate for reforms. The farmers complained of increased indebtedness to landlords and money lenders. In the 1960s and early 1970s, in far greater numbers than ever before, wealthier citizens from Bangkok and

The new civilian government moved to improve relations with Laos which, by this time, had come almost completely under the control of the communists: A cease-fire was accepted which called for Thai recognition of a new coalition government dominated by the Pathet Lao and, in return for the release of Thai prisoners held by the communists, the RTG agreed to remove from Laos all Thai "volunteer" forces by June 1974. Relations between Thailand and Laos remained strained, however, owing to continued overflights by U.S. reconnaissance aircraft, and Thai restrictions on trade.²⁴

Thailand's ninth constitution since the Revolution of 1932 went into force in October 1974 and elections - the first in four years - were held for a new National Assembly. The elections produced a highly fragmented parliament with no fewer than twenty-five parties gaining representation. After many inter-party discussions, Seni Pramoj, leader of the Democrat Party which had

the provincial capitals bought land from indebted farmers and then rented out the land. By 1974 in the Central Plains, the number of farmers renting land surpassed fifty percent, an unprecedented percentage with ominous implications. Traditionally, Thai farmers have owned the land they till." Clark D. Neher, "Introduction," in *Modern Thai Politics: From Village to Nation*, ed. Clark D. Neher (Schenkman Pub. Co.: Cambridge, Mass., 1976, 21.

One of the most important of the new interest groups was the Farmer's Federation of Thailand (FFT) which was established on December 6, 1974 for the purpose of ensuring the proper implementation of the Land Rent Control Act. It was indicative of the growing level of political violence of the time that from March 1974 through August 1975 "at least twenty-one FFT leaders were killed," including Intha Sribunruang, the organization's leading activist. No one was ever arrested for these murders. Morell, 25.

²⁴ Overtures for the normalization of relations were also made to North Vietnam during this period. However, the Vietnamese communists demanded the complete withdrawal of U.S. military forces from Thailand as a precondition for negotiations. Randolph, 171.

gained a plurality of seats, succeeded in forming a coalition and was named prime minister on February 13.²⁵

In his first policy statement, the new prime minister declared: 1) that Thailand wanted to maintain friendly relations with all countries, regardless of their systems of government ; 2) that his government would continue to work toward full diplomatic relations with China; 3) that Thailand's relations with the United States would in the future be governed in accordance with the provisions of the new constitution; and 4) that all U.S. troops would eventually leave Thailand (though no date was specified).²⁶

Only eight days after assuming office, the Seni Government fell as a result of a vote of no confidence; and, following a great deal of political bargaining, Seni's brother, Kukrit Pramoj, leader of the Social Action Party, succeeded in forming a coalition of seventeen parties on March 16. In his first statement of national policy, the new prime minister declared that his government would go beyond the goals proposed by his predecessor and would take steps to ensure that

²⁵ "Until the 1975 election, the Democrats were the major conservative opposition. During the campaign, however, the Democrat Party platform called for mild socialism, thus breaking with the party's long-standing support of a pure capitalist system. following the election, while Seni was attempting to form a coalition, the Democrats adopted a program calling for the withdrawal of American forces in Thailand according to a specific timetable and the repeal of the anti-Communist act with emphasis on preventive measures instead of suppression in counter-insurgency programs. In addition the Democrats called for constitutional amendments abolishing the appointed Senate and allowing for a minimum age of 18 for voting instead of the present minimum age of 20. Urgent land reform was a key platform in the Democrat's program as well as the establishment of diplomatic relations with the Peoples Republic of China." Neher, "Introduction," 22.

²⁶ *Foreign Affairs Bulletin*, 15 (January-March): 38-40; cited in Randolph, 178.

all foreign military personnel would be withdrawn from Thailand within a year.²⁷ It was clear that the civilian leaders who had come to power in the aftermath of the anti-Thanom coup regarded their country's extraordinary relationship with the United States as a serious liability as they struggled to come to terms with the emerging communist states of Indochina.

For their part, the Americans were also obliged to forge a new relationship with the Thais: The U.S. Congress had, in effect, forbidden the very activities in Thailand which had made that country such a vitally important strategic asset in the war against the communists in Indochina; and the Americans were now obliged to conduct all of their affairs with civilian ministers whereas during the previous twenty-three years of their dealings with the Thais they had dealt directly with the Thai military and effectively bypassed the civilian ministries on most major policy matters.²⁸ Unfortunately, for both the Thais and the Americans, their new relationship was to be put to a severe test only a few weeks after the communist victories in Cambodia (April 17) and South Vietnam (April 30).

²⁷ *Foreign Affairs Bulletin*, 15 (January-March): 23; cited in *ibid.*, 179.

²⁸ "... Politicians and intellectuals who, though strongly conservative, had in previous years functioned outside the apparatus established by the military not unnaturally viewed the Thai-American alliance in a different light from their military predecessors. Most important among these, perhaps, were elements of the Ministry of Foreign Affairs who, long accorded a backseat role in the formulation of Thailand's foreign policy, were now in a stronger position to assert their views. In a major break with the recent past, the Ministry of Foreign Affairs in the years 1973-76 was allowed to play a leading role in the formulation of Thailand policies toward the United States presence in Thailand and Thai-American relations... From the Ministry's standpoint, that close association of the Americans with the military provided additional justification for an aggressive assertion of Ministry views. *Ibid.*, 169.

The Mayaguez Affair

On May 12, 1975, the U.S. merchant vessel Mayaguez was seized by Khmer Rouge naval vessels in international waters off the coast of Cambodia while en route from Hong Kong to Sattahip. Within hours of the attack, U.S. reconnaissance aircraft from U-Tapao began to maintain a constant surveillance of the captured ship, awaiting arrival of warships from Subic Bay.

On the following day, when it appeared that the captive Americans would be taken from the Mayaguez and moved to the mainland, U.S. attack planes based in Thailand responded by destroying three Cambodian patrol craft and damaging three others. Alarmed by the possibility of communist reprisals, Prime Minister Kukrit informed the U.S. Charge d'Affaires that Thailand did not wish to become involved in the affair and that permission would not be give for the use of Thai territory in connection with any offensive operations against Cambodia. Despite assurances from U.S. diplomats that no military action would be taken without Thai consent, a contingent of marines were flown from Okinawa to U-Tapao that same day for use in rescue operations and no prior notice of this troop movement was given to the RTG.

After learning of the arrival of the marines, the Thai premier issued an aide-memoire stating that, unless the troops were withdrawn within twenty-four hours, good relations between Thailand and the United States would suffer "serious and damaging consequences." Within hours of this explicit prohibition, U.S. helicopters carrying two hundred of the marines, along with a variety of

warplanes dispatched from Udorn and Korat succeeded in rescuing the Mayaguez and its crew from the communists.

The RTG reacted by issuing a note of protest, expressing its deep concern with respect to the affair and charged that it had "seriously impinged upon the national sovereignty of Thailand." As a consequence, the Thai government announced that it had decided to undertake immediately "a review of all aspects of cooperation and commitments existing between Thailand and the United States," including "the arrangements for the use of military bases and facilities in Thailand by the United States, pending the complete withdrawal of United States military forces from Thailand by March 1976 in accordance with the declared policy of the Royal Thai Government."²⁹

The United States responded with a diplomatic note apologizing for the affair and offering assurances that U.S. policy "continues to be one of respecting the sovereignty and independence of Thailand." It also noted that the "unique circumstances that have led to the recent run of events do not alter this traditional relationship and are not going to be repeated."³⁰

²⁹ "The Mayaguez Affair - Facts Concerning the Thai Government's Protest," RTG Press Release No. 13; cited in Randolph, 182.

³⁰ "Text of a Diplomatic Note Delivered by American Charge d'Affaires Edward Masters to the Foreign Minister of Thailand, Chatchai Choonhaven, in Bangkok, May 19, 1975; cited in *ibid.*, 183.

U.S. Secretary of State Henry Kissinger observed that "the assumption was that we were in an emergency situation in which, on occasion, we have acted without full opportunity for consultation, and it was therefore thought that within the *traditional relationship* it would be a measure that would be understood..." Press Conference, Washington, D.C., 16 May 1975; cited in *ibid.* (Italics are my own).

Randolph observes that "In the eighteen months that had elapsed between the expulsion of Thanom and the Mayaguez incident... the Thai govern-

Prime Minister Kukrit remained unconsolated: On July 27, 1975, he announced that all past understandings between Thailand and the United States were no longer valid. He noted that such understandings did not have the binding force of a treaty and, as a consequence, could be abrogated at will by either party. He also repeated his demand that all U.S. personnel be withdrawn from the remaining four bases in his country by March 20, 1976.³¹

During the next several months, there were heated negotiations between officials of the RTG Ministry of Foreign Affairs and the U.S. Embassy over the possible retention of a "residual force" of some 3,000 American personnel at various communications facilities.³² In the wake of the Mayaguez affair and the public controversy surrounding the matter, it proved very difficult for the Thais to reach any such compromise with the Americans.

ment had made clear on repeated occasions its determination to alter the basis of its relations with the United States. In other words, the 'traditional relationship' that had permitted the United States to operate largely unhampered from Thai facilities had in the Thai view ceased to exist." *Ibid.*, 184.

³¹ *Facts on File*, 23 August 1975, 622.

³² "... Liberal elements in the Ministry of Foreign Affairs... were by the end of 1975 determined to exert the authority of the Ministry so as to break the U.S. Embassy/Supreme (Military) Command linkage. In that process, they hoped to make the shift of power from military to civilian forces irreversible

"The Thai Supreme Command, on the other hand, had a clear-cut interest in maintaining intact some form of residual U.S. military presence, and with it an amicable basis for future relations with the United States. At stake was the continuation of U.S. military assistance to Thailand. More importantly, Thai military leaders found strong cause for concern in the events of neighboring Indochina and with the threat posed by the new communist governments arrayed along Thailand's eastern borders. In the one year following the (spring 1975) fall of the Indochinese states to the communists, as many as 70,000 Laotian refugees had fled into Thailand, bringing with them stories of repression which inevitably raised grave fears among many Thais; similar stories and tales of horror were brought by Vietnamese and Cambodian refugees. In the eyes of the Thai military, a residual American presence, no matter how small, constituted at least a minimal U.S. guarantee of Thailand's security against communist invasion. Randolph, 195.

In January, the Prime Minister made a surprise announcement that new elections would be held in April. Faced with defections from his unwieldy coalition and the possibility of a vote of no confidence engineered by his brother and political opponent, Seni, Kukrit hoped that the elections would provide him with a stronger base within the parliament.

The following month, the RTG offered a list of "Seven Principles" which would form the basis for future cooperation with the Americans.³³ While the Americans were willing to accept almost all of the principles, negotiations broke down over the matter of the privileges and immunities to be accorded U.S. personnel stationed at the residual facilities in Thailand: The Thais insisted on the primacy of their legal jurisdiction and refused to accept a status of forces agreement such as those which had been concluded with other countries around the world in which U.S. military personnel were stationed.³⁴

³³ They demanded 1) that all U.S. facilities and personnel would be subjected to Thai jurisdiction unless they were exempted by specific agreements between the two governments; 2) that these facilities and personnel "shall in no way be used to threaten or interfere with the national sovereignty of any other country;" 3) that "reports on the activities involving these facilities, including information and data derived from such activities shall be communicated directly" to the RTG; 4) that "On the job training programs... be launched with the view to the rapid replacement of American personnel by Thai personnel;" 5) that the number of American personnel authorized to operate facilities in Thailand not exceed the number agreed upon by the RTG; 6) that the American personnel "shall enjoy such privileges as are accorded to technical experts from other countries;" and 7) that all agreements pertaining to cooperation between the two countries "shall continue for the duration of not more than two years, but shall be renewable or may be terminated earlier by either party giving advance notice." "Government Announcement on the Withdrawal of U.S. Military Personnel from Thailand," RTG Ministry of Foreign Affairs, Department of Information, Press Release No. 47/2519, 20 March 1976 (mimeo); cited in *ibid.*, 190.

³⁴ *Ibid.*, 193.

When no agreement had been reached by the March 20 deadline for withdrawal, the RTG announced that the Americans would have an additional four months to remove all of their remaining 4,500 personnel and close Ramasun and other key facilities. An exception was made, however, for the continued stationing of a maximum of 270 U.S. advisers who were responsible for the administration of the \$56 million military assistance program.³⁵

Following the most violent campaign in Thailand's history, during which more than thirty people were murdered, the elections scheduled by Kukrit were held on April 14, 1976. Kukrit himself lost his parliamentary seat and there was a marked increase in the number of seats controlled by centrist and conservative parties. The Democrat Party increased its plurality to 114 of the 279 seats and its leader, Seni, succeeded in forming a strong coalition of four parties.³⁶

The new Prime Minister suggested that the withdrawal issue had been the key to his brother's personal defeat and offered to reopen negotiations with the Americans. Fearing adverse public reaction, however, he would not agree to any modification of the terms of his predecessor. Thus, by July 20, 1976, only 271 Americans remained of the former U.S. military presence in Thailand, which once numbered almost 50,000 men.³⁷

³⁵ *Ibid.*, 192-3; and *Facts on File*, 27 March 1976, 223 and 24 July 1976, 541.

³⁶ "The election results were interpreted as a move to the right in Thai politics and a concern on the part of the electorate about the rise in internal insurgency and the intentions of Thailand's (communist) neighbors, Laos, Cambodia, and Vietnam..." Neher, "Introduction," 23.

³⁷ Randolph, 200.

The Bali Summit Conference

The communist victories in Cambodia and South Vietnam during the spring of 1975 and in Laos by December of that same year shocked the members of ASEAN into a greater realization of their own respective vulnerabilities. There was widespread concern that they would face not only a formidable political challenge from a united, militant Vietnam, but that the Vietnamese would use their massive supplies of captured weapons to supply insurgents throughout the region.

In December 1975, Indonesia circulated a draft among members of the Association, proposing that they establish a "Joint Council" to promote cooperation in defense matters.³⁸ The other members were in general agreement, however, that it would be unnecessarily provocative for ASEAN to be converted into a military alliance and that the Association would serve far better as a vehicle to promote cooperation in non-military matters since, as one observer put it, "one key to the future survival and growth of the non-communist states of the region lay in the collective strength afforded by increased political as well as economic cooperation."³⁹

In February, the leaders of the member states met in Bali for the first ASEAN summit conference. Following their deliberations, the representatives adopted two agreements⁴⁰ which indicated their consensus on the direction they wished to go in regional cooperation:

³⁸ *Indonesian Times*, 10 December 1975; cited in Frost, 8.

³⁹ Randolph, 211.

⁴⁰ The texts of both may be found in Leifer, 165-174.

In the Declaration of ASEAN Accord, the leaders pledged "to consolidate the achievements of ASEAN and expand ASEAN cooperation," particularly with respect to economic matters. They indicated that "(t)he stability of each member state and of the ASEAN region is an essential contribution to international peace and security" and that "(e)ach member state resolves to eliminate threats posed by subversion..." The Declaration also repeated the call for "the early establishment of the Zone of Peace, Freedom and Neutrality" and endorsed the "(c)ontinuation of cooperation on a non-ASEAN (sic) basis between the member states in security matters in accordance with their mutual needs and interests."

In the second document adopted at Bali, the Treaty of Amity and Cooperation in Southeast Asia, the ASEAN leaders pledged (Art. 1) "to promote perpetual peace, everlasting unity and cooperation among their peoples which would contribute to their strength, solidarity and closer relationship." As a gesture to the communists, the Treaty also included a specific provision (Art. 18), indicating that "it shall be open for accession by other states in Southeast Asia."

Thailand Returns to Military Rule

On September 19, Field Marshal Thanom returned to Thailand and his presence triggered massive student demonstrations demanding his arrest or expulsion. The Seni Government tried to persuade the discredited army leader to return to exile, but he refused; and the dilemma of how to deal with him threatened to break up the governing coalition. On September 25, two student activists were

murdered after being arrested by police for distributing anti-Thanom posters; and this further incensed the demonstrators.

Right-wing groups charged that the students in a massive demonstration at Thammasat University on October 5 had defamed the Crown Prince and demanded that they be punished for undermining respect for the monarchy. By dawn the following day, hundreds of police and Border Patrol police units had joined counter-demonstrators at the University's gates. Shooting broke out as a mob of counter-demonstrators tried to force entry onto the campus and, within minutes, at least forty-six students were killed, hundreds wounded and some 1,300 arrested.⁴¹

That evening, the armed forces under the leadership of the Minister of Defense, Admiral Sangad Chaloryu, announced that it was seizing power "in order to restore stability and law and order to the kingdom." The Seni government was ousted, the Constitution abrogated, parliament disbanded, and all political parties abolished. Under a proclamation of martial law, the military's newly formed National Administration Reform Council banned all political gatherings and established press censorship.⁴² Thailand's most notable experiment in parliamentary democracy had come to an end and the military elite returned to the position of primacy from which it had fallen only two years earlier.⁴³

⁴¹ Subsequent arrests throughout Bangkok brought the total of those imprisoned to over 3,000. None of the counter-demonstrators or police were ever arrested for their actions. Morell, 274-5.

⁴² *Ibid.*, 275.

⁴³ "... Several factors lay behind the coup. Primary, perhaps, was a desire on the part of the military to regain its political primacy and restore the integrity of Thailand's eroding political structure. In reasserting its control, the military could count on a preponderance of public sentiment which had

On October 6, the junta named former Supreme Court Justice Thanin Kravichien to replace Seni as prime minister. The new premier was renowned for his personal integrity, strong ties to the monarchy, and militant opposition to communism. Soon after his appointment, it became clear that there would be a dramatic reversal of the domestic and foreign policies of the previous government: An aggressive campaign was undertaken against corruption and the narcotics trade; and significant programs were launched to promote economic development. The move toward reaching an accommodation with Vietnam and the other communist states was interrupted as clashes increased along the borders with Laos and Cambodia; and efforts were made to restore close relations with the United States which, by this time, had reached its own understanding with China about checking the spread of Soviet influence in Asia.

The world renowned diplomat, Thanat Khoman, was brought back into the ruling circles by being named a civilian advisor on foreign affairs and quickly set about to repair relations with the United States. It was clear that Thailand's new leaders did not want

accumulated as a result of the worsening instability in the intervening years. Noisy and disruptive student demonstrations had lost the student movement much of the sympathy it had gained through the events of 1973. Unrest and lawlessness had seemingly become rampant. These domestic difficulties were compounded by external pressures. Thailand's insurgency had continued to grow, and hostile powers ringed the country's eastern and northern frontiers. the immediacy of the security threat was brought home by the flood of refugees and tales of horror originating from nearby Laos, Vietnam and Kampuchea (the name given to Cambodia after the Khmer Rouge victory in 1975).

"In the face of these mounting difficulties, Seni and the badly divided Parliament had increasingly appeared inadequate to the challenge..." Randolph, 203-4.

to become exclusively dependent on China in their effort to counter the threat posed by the Soviet client states of Indochina.⁴⁴

Thanin's intolerance of dissent quickly led to a nationwide roundup of about 200 left-wing politicians, journalists, trade unionists and students. Many other supporters of the former government went into hiding, fled the country, or joined the Thai communist guerrillas in the border provinces.⁴⁵

The United States, now under the leadership of a new president, Jimmy Carter, was critical of the continued detention without due process of those who had been arrested following the October coup. However, the new administration recognized the conditions of political instability which had given rise to the coup and continued to appreciate Thailand's strategic role in the region. The Americans, therefore, reaffirmed their commitment to Thailand's security contained in the Manila Pact and the Rusk-Thanat Communique; and quickly entered into agreements with the

⁴⁴ In an interview given shortly after the coup, Thanat stated that the new government "can and should help improve relations" with the United States. While it was "out of the question" that the massive U.S. military presence would be re-established, there were still important areas in which closer military ties could be maintained: "Thailand still has some advantages to the United States," he noted, "- for example, temporary use of our air bases." "Thai Move Toward U.S. Seen," *Washington Post*, 7 October 1976; cited in *ibid.*, 205

"... On June 20, 1977 (pursuant to a decision taken in September 1975) the Southeast Asian Treaty Organization was formally disbanded. Long in a state of internal disarray, SEATO had been dealt its fatal blows by the American opening to China and by the communist victories in Indochina. Despite the demise of the Treaty Organization, the Manila Pact on which it was based remained in force... According to a SEATO source, Thanin made quiet inquiries, soon after coming into office, about the possibility of SEATO being revived, 'but it was too late.'" Lewis M. Simons, "SEATO's Flags are Coming Down for the Last Time," *Washington Post*, 29 June 1977; quoted in *ibid.*

⁴⁵ During this period it was presumed that the Pathet Lao and Vietnamese communists would step up the supply of arms to the Thai communist rebels whose ranks had risen by approximately 4,000 men, of whom about half were believed to be urban refugees. *Ibid.*, 204.

RTG to cooperate in the suppression of the narcotics trade and to help provide for the care of the rapidly growing numbers of refugees fleeing from the newly installed communist regimes of Indochina.⁴⁶

General Kriangsak and the Policy of Accommodation

Alarmed by Thanin's hard-line policies which had deepened social cleavages at home and, in the minds of many Thais, had unnecessarily embittered relations with Thailand's communist neighbors, the military removed him in yet another bloodless coup (October 20, 1977) and General Kriangsak Chomanan, one of the coup leaders, emerged as his successor.⁴⁷ The new premier moved quickly to reduce repressive policies which had been aimed at the civilian opposition and to improve relations with the states of Indochina. Within two weeks of his succession to the premiership, he succeeded in establishing formal diplomatic relations with Vietnam; and six months later a Thai trade mission was sent to Hanoi "to purchase coal, scrap iron and fish from Vietnam and... to sell automobile spare parts, electrical appliances, steel, tapioca flour, mungbean and rice to that country."⁴⁸

⁴⁶ *Ibid.*, 206.

⁴⁷ "... Some reasons given by the military leaders for the removal of Thanin's government were precisely the reasons for appointing it only a year before. These reasons included the need for more foreign investment, a stronger anti-communist foreign policy, and more effective checks on labor and student unrest. Yet Thanin appeared to the military commanders and other critics as overzealous in his suppression of anti-government opposition, a policy the military felt was too severe and counter-productive. Also Thanin's rigorous suppression of governmental corruption and the narcotics trade was threatening profitable graft and drug-smuggling operations protected by some military leaders." Frank C. Darling (De Pauw University), "Thailand in 1977: The Search for Stability and Progress," *Asian Survey*, 18, no. 2 (February 1978): 157.

⁴⁸ *Bangkok Post*, 1 June 1978.

In May 1978, Kriangsak visited Beijing in order to reassure the Chinese that Thailand remained committed to the policy of curbing the influence of the Soviet Union and its client states in the region. The Chinese leader, Teng Hsiao-ping reciprocated by visiting Bangkok the following October.

The Challenge of Vietnamese Refugees: Old and New

Long before the fall of Indochina to the communists, Thai leaders were concerned about the presence in the northeastern provinces of large numbers of ethnic Vietnamese, most of whom had fled from Cambodia or Laos in the late 1940's or early 50's as the French reasserted their control over Indochina.⁴⁹ Over 40,000 ethnic Vietnamese were repatriated to North Vietnam beginning in January 1960 and ending in July 1964, when the North Vietnamese called a halt to the program following the Gulf of Tonkin incident. Today about 35,000 ethnic Vietnamese still live in Thailand.⁵⁰

⁴⁹ "It is possible to divide the Vietnamese minority in Thailand into three major groups. The first group, numbering about 20,000, are usually referred to as 'old Vietnamese.' They are mostly Thai citizens, and are fifth-, sixth-, or even seventh-generation descendants of Vietnamese who came to Thailand to escape the wars of the eighteenth century or the anti-Catholic persecutions of the nineteenth. The second group, between 15,000 and 25,000 in number, are called 'first generation refugees' in this study; they were living in Laos and Cambodia when fighting broke out between French and Viet Minh forces in the late 1940's and were given sanctuary by the Thai government. The third group consists of about 30,000 'second-generation refugees,' the Thai-born children of the postwar refugees. Many of the members of this younger group reached maturity in the 1960's." Poole, 5.

Thai officials estimated that the original 40,000 or so Vietnamese refugees had 35,000 children born on Thai soil by 1982. The refugees were concentrated in "restricted communities" in the provinces of Nong Khai, Udon Thani, Ubon Ratchathani, Nakhon Phanom, Sakhon Nakhon, and Loei in the northeast; in Prachinburi in the east; and Surat Thani and Phatthalung in the south. *Bangkok Post*, 18 July 1982.

⁵⁰ The repatriation program was based on an agreement between Thailand and North Vietnam, which was signed in Rangoon on 14 August 1959. At the

During the Vietnam War, the Vietnamese in Thailand were generally regarded as being sympathetic to the communist regime of North Vietnam, but there is little evidence that they ever played a significant role in the longstanding insurgency by Thai communist guerrillas in the northern and northeastern provinces.⁵¹ Now that various communist movements controlled all of Indochina, the Thais feared that the Vietnamese would engage in subversive activities, or, at the very least, provide a pretext for intervention in Thailand's internal affairs.⁵²

Within weeks of the fall of South Vietnam, anti-Vietnamese sentiment among the Thais came to a head: Rioting broke out in

time the program was cancelled, 6,728 men, 7,373 women, and 22,336 children below the age of 18 were registered for repatriation, but were left behind, mainly in northeast Thailand. Poole, 60, 62, 66.

⁵¹ "The (Thai communist) revolt began in the north-eastern provinces on the Laotian border and spread to the northern provinces, being supported in both areas by Meo (Hmong) tribesmen. The third center of the revolt was in the south, where Malaysian communists had taken refuge after being driven out of Malaysia and won the support of the Moslem community, which forms about 40 percent of the population of the four southern provinces. It was estimated in 1970 that 1,000 to 1,600 guerrillas were operating in the north, about 1,500 in the north-east, about 400 in the south and 1,200 to 1,400 on the Malaysian border." *Keesing's Contemporary Archives*, (April 14-20, 1975): 27072.

"... Insurgents under arms increased from an estimated 3,500 in 1973, to 5,000 in 1974, and by February 1975, the number was placed at over 8,000. The CPT (Communist Party of Thailand) was particularly successful in increasing its strength in North and Northeastern Thailand, but significant increases were also registered in the rice-rich Central Plain above Bangkok and the southern provinces adjacent to Burma and Malaysia... By mid 1975, almost all insurgents were armed with the latest models of the AK-47 or M-16 rifles, while some units possessed mortars and B-40 rockets, similar to those used by the insurgents in Vietnam. Moreover, the attacking 'fighting units' of the insurgent forces also increased in size, and assaults which previously lasted for only a few minutes, now began to last hours and even longer. Government casualties continued to be more than 50% higher than insurgent losses in most of these skirmishes... Ross Prizza (University of Hawaii), "Thailand: New Social Forces and Re-emerging Socialist Principles," *Asia Quarterly*, 4 (1975): 363.

⁵² See Robert F. Zimmerman, "Insurgency in Thailand" *Problems of Communism* (May-June 1976): 19.

the provincial capital of Sakhorn Nakhon and Vietnamese shops were attacked and looted. A few weeks later, while a North Vietnamese delegation was meeting with Thai officials in Bangkok, more anti-Vietnamese demonstrations broke out in Nong Khai province.⁵³

With the final closure of the last of the U.S. bases in Thailand the way was clear for the resumption of diplomatic relations with North Vietnam and the communists acceded to a Thai request to establish a joint commission to consider how the repatriation program for Vietnamese in Thailand could be reinitiated. Thai leaders were wary that the increasing number of Vietnamese refugees coming to Thailand by boat might cause the communists to break off negotiations; thus, they adopted a policy of *refoulement* (expulsion): All boats found entering Thailand's territorial waters were to be provided with food and fuel and then towed back out to sea where the refugees were to be left to their fate.⁵⁴

The unification of North and South Vietnam on July 2, 1976 and large-scale Vietnamese military operations in Laos in support of the Pathet Lao further awakened age-old fears and enmity against the Vietnamese on the part of the Thais.⁵⁵ Even after their victory in South Vietnam, the Vietnamese Communists continued to maintain one of the largest standing armies in the

⁵³ It was indicative of the dramatic turnabout in Thai foreign policy at this time that the Thai Deputy Minister of the Interior accused the U.S. Central Intelligence Agency of having provoked the riots in order to sabotage relations with the communists. *Keesing's* (15-21 September 1975): 27335-6.

⁵⁴ *Facts on File* (11 September 1976): 678.

⁵⁵ One source estimated that "between 20,000 to 40,000 Vietnamese troops (were) in Laos in various capacities." *Asiaweek*, 10 March 1978, 35.

world and there was little doubt among Thai military strategists that Vietnam posed the greatest threat their country was likely to face in the foreseeable future.

Thailand's newly established relations with the Vietnamese communists were threatened in August 1976 by another outbreak of anti-Vietnamese demonstrations and attacks on Vietnamese property in the provinces of Nakhon Phanom and neighboring Sakhorn Nhakom. The disturbances, which the communists blamed on "rightist elements," were ended by the intervention of Thai troops.⁵⁶

Within two weeks of the October coup which brought Kriangsak to power, Vietnam angrily accused the Thai government of herding thousands of Vietnamese into "disguised concentration camps" and the Vietnamese communist party newspaper warned that, if any Vietnamese were harmed, "there would be serious consequences for those responsible."⁵⁷

The new Thai government continued to do its utmost to maintain cordial relations with the Vietnamese. In September 1978, Prime Minister Kriangsak invited the Vietnamese Prime

⁵⁶ *Keesing's* (20 August 1976): 27897.

⁵⁷ *Facts on File* (23 October 1976): 794-5 and (16 October 1976): 775.

By December, relations with Vietnam had deteriorated to such an extent that the flamboyant Thai Minister of Defense, Samak Sundaravej, publicly predicted that the Vietnamese would use unrest among the refugees as a pretext for the invasion of Thailand during February 1977. *Ibid.* (18 December 1976): 949.

This and other assertions by Samak were vigorously denied by Hanoi radio; and Prime Minister Thanin discounted them as being "no more than an expression of personal opinion." *Keesing's* (19 August 1977): 28511.

Minister, Pham Van Dong, to Bangkok for discussions. The two leaders agreed to establish full commercial relations between their two nations and the Vietnamese leader pledged that his government would not support insurgency in Thailand "directly or indirectly." The two leaders also agreed to form a Joint Commission to reinstate the repatriation of the Vietnamese refugee community in Thailand, but they were reportedly at odds with respect to this matter in drafting their final communique: The Vietnamese insisted that it should specify that repatriation would be conducted only on a "voluntary" basis, but the Thais objected to such wording because they were well aware that many of the refugees did not wish to be repatriated.⁵⁸

The Joint Commission met in Bangkok the following month in Bangkok, but remained deadlocked after two weeks of discussions. The Vietnamese insisted that the repatriation agreement they had concluded in 1959 was no longer valid because, at the time of its signing, Thailand had been tainted by the "influence of imperialists." They suggested that since Vietnam and Thailand were new friends, they should have a new agreement and tentatively agreed to accept no more than 500 repatriates. For their part, the Thais responded by angrily denouncing the Vietnamese for duplicity, accusing the "communist imperialists (of) trying to imperil peace and stability."⁵⁹ The Joint Commission was disbanded and no solution to the matter of repatriating the "old" Vietnamese refugees has been found to date.

⁵⁸ *Facts on File*, (15 September 1978): 696.

⁵⁹ *Ibid.* (27 October 1978): 830.

An New Appraisal of Thailand's Security

Though they were angered by Vietnamese tactics, the Thais were persuaded that the intransigence of the Vietnamese with respect to the repatriation issue was largely due to the difficulties they were having in overcoming the serious economic dislocations caused by the long war in their country. Thai policy-planners remained sanguine that they could come to terms with all of the neighboring communist regimes and thereby reduce, if not eliminate any threat they posed to the kingdom's security.

While the presence of Vietnamese troops in Laos was regarded as a serious, potential threat, Thai leaders came to regard Vietnamese military operations in that country with a measure of equanimity so long as they remained well away from the provinces bordering Thailand. It was widely believed that the Vietnamese would eventually grow weary of the costly and largely unprofitable burden of supporting the Pathet Lao against Lao and Hmong insurgents and would withdraw from Laos once domestic conditions inside Vietnam had improved sufficiently to permit the demobilization of that country's overly-large army.⁶⁰

⁶⁰ In a speech to an ASEAN senior officers seminar in Bangkok on 24 November 1977, the former director of Thailand's Internal Security Operations Command, General Saiyud Kerdphol, downplayed the threat of Vietnamese aggression by noting that "... there is evidence that Vietnamese soldiers are physically employed in reconstruction programs within Vietnam, whereas their presence in Laos is explainable by their need to maintain a firm hold over (and in some areas to pacify) a country that has virtually become a Vietnamese fiefdom. In addition, it would be no easy matter to demobilize such vast soldiery into the fragile Vietnamese economy." Text in "ASEAN has become the only hope," *Bangkok Post*, 26 November 1977.

Though Cambodia had fallen under the brutal, xenophobic rule of the Khmer Rouge, led by Pol Pot, and there were recurrent terrorist attacks on Thai villages in disputed territories along the Thai-Khmer border, Thai policy planners remained confident that, as was the case with the communists in Laos, the Khmer Rouge did not seriously threaten Thailand's security. It was believed that the Thais need only endure the cross-border terrorist raids by the Khmer Rouge until such time as the age-old enmity between the Khmers and Vietnamese reasserted itself, thereby preserving Cambodia as a buffer against the Vietnamese hordes as she had been in the past.⁶¹

The Vietnamese communist regime remained heavily dependent on economic and military assistance from the Soviet Union as it had been during the War. The Khmer Rouge regime, on the other hand, was almost entirely dependent on China for assistance. In Laos, the Chinese competed with the Vietnamese for influence. The fact that relations between the communist regimes in all three states of Indochina had become embroiled in the Sino-Soviet rivalry gave further credence to the view that Thailand had little to fear from the new order in Indochina and that her interests could best be served by maintaining a scrupulous neutrality between the contending communist powers and their local clients,

⁶¹ "Siamese-Vietnamese rivalry over Cambodia... began in the 1600's, when Cambodia found itself directly in the path of Vietnamese expansion. Cambodian rulers tried to play their more powerful neighbors off against each other, but this strategy was not always feasible. In contrast to Laos, Cambodia was easily accessible to both Siamese and Vietnamese armies, and it was to serve intermittently as a battleground for the two stronger countries until the middle of the nineteenth century." Poole, 11.

regardless of any provocations which might occur along Thailand's frontiers.

While Thai communist guerrillas activity might flare up now and then in the northern and north-eastern border provinces, Thai leaders appeared confident that they could both contain the insurgency and enter into stable relations with each of their communist neighbors. Illustrative of this mood of confidence were the remarks at the time of General Saiyud Kerdphol, one of Thailand's most respected military spokesmen:

... There is no reason why Thailand, either unilaterally or in concert with ASEAN, should not make a reasonable accommodation with the Indochina countries - even to the extent of providing economic aid and technical assistance - in the not very likely event that they can be persuaded genuinely to cease or substantially reduce their active and material support for the Thai insurgents. There are also the interesting possibilities of Chinese/Cambodian/Thai outflanking diplomatic maneuvers against the Russia/Vietnam/Laos axis, some of the groundwork for which has apparently already been laid in Peking.⁶²

Thai policy planners, therefore, were confident their country's interests could best be served by cooperating in informal security arrangements with China; by maintaining cordial relations with the United States, Japan and other western allies - Thailand's primary sources of military and economic aid - and by continuing to work to garner diplomatic support from allies in ASEAN and other third world states in the United Nations.

⁶² "ASEAN has become the only hope," 26 November 1977, speech cited above.

As for the Indochinese refugees on Thai soil, Thailand's leaders seemed to have concluded that their presence could be managed in such a way as to not unduly affect relations with the neighboring communist regimes so long as prestigious international humanitarian organizations, most notably the UNHCR and the International Committee of the Red Cross (ICRC), became involved in their disposition and care in Thailand and their rapid resettlement abroad. The fear remained, however, that the refugee influx might continue unabated and that tens of thousands of refugees, particularly the Hmong tribespeople, would remain in Thailand for the indefinite future and thereby pose an open-ended drain on the country's administrative resources and a possible threat to domestic stability in the northeastern provinces where their kinsmen had lived for generations.

Chapter IV: Crisis Management of Incoming Refugees (1975-79)

Soon after the communists had achieved their conquests in Indochina during the spring of 1975, there began a flight to Thailand and other Southeast Asian states of tens of thousands of people: Vietnamese and ethnic Chinese seeking refuge from the harsh political repression and economic restraints of the regime in Vietnam, Cambodians fleeing from the incredible regimentation and brutality of the Khmer Rouge regime in Cambodia, and Lao and hill tribespeople escaping from the military depredations and economic mismanagement of the Pathet Lao regime in Laos.

The Status of Refugees in Thai Law

It should be noted at the outset that the RTG has scrupulously avoided the use of the term "refugees" to describe persons from Indochina who were seeking asylum because of the implication that *refugees* have rights under international law which cannot be derogated by any state. As we have already noted, the Thai government has never recognized that the Indochinese on its territory are entitled to the protection defined by the United Nations Convention Relating to the Status of Refugees of 1951 or its amending Protocol of 1967.¹ Instead, the Thais have

¹ According to both the Convention and the Protocol, a *refugee* is a person who, "owing to 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... return to it" (Art. 1, Sect. 2). The parties to the Convention "shall not impose penalties, on account of their illegal entry or presence" (Art. 3 (1)). They agree "not to expel a refugee lawfully in their territory save on grounds of national security or public order... (and) only in

consistently used the term *displaced persons* or *illegal immigrants* in order to retain ultimate discretion with respect to the persons concerned in accordance with Thai immigration laws.²

The initial response of the RTG to the Indochinese refugees was to forbid entry to all, regardless of nationality or whether they were coming by land or sea. According to a Cabinet decision of June 3, 1975, Thai provincial authorities were instructed that

Should any displaced persons attempt to enter the Kingdom, measures (should) be taken to send them out... as fast as possible. If it is not possible to repel them, they will be detained in camp.³

pursuance of a decision reached in accordance with due process of law... " (Art. 32 (2,3)). Such a refugee is to be allowed "a reasonable period within which to seek legal admission into another country..." (Art. 32 (3)).

The Convention also includes a provision that "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... (but this benefit) may not be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country..." (Art. 33 (1,2)). U.N., Convention and Protocol Relating to the Status of Refugees, 12, 24-5.

² "In principle, all displaced persons are illegal immigrants because they enter in breach of immigration law. In practice, however, there may be a slight difference between the terms 'displaced persons' and 'illegal immigrants.' The former has been used most frequently for persons arriving in Thailand before 1979, especially those who managed to report their presence to Thai authorities. The latter term has been used most frequently for those arriving in Thailand in and after 1979 and who are detained in camps known as 'holding centers,' such as Khao I Dang.

"Differences of terminology indicate the official position that those entering Thailand in search of asylum are subjected to the local immigration law and absolute State discretion, as contra-distinguished from the international perspective which regards that refugees have rights independent of State discretion." Public Affairs Institute, *A Study on Management and Resettlement of Indochinese Refugees in Thailand*, ed. Vitit Muntarbhorn, (Bangkok: PAI, May 1989), 6-7.

³ The Royal Thai Navy and Maritime Police were specifically instructed to intercept all incoming boats, inspect them for sea worthiness, provide them food, water and fuel, if necessary, and tow them back out to sea. RTG Ministry of Interior, *Indochinese Displaced Persons in Thailand*, (Bangkok: RTGMOI, 1980), 3, cited in *ibid.*, 28.

The Beginning of Refugee Politics

Notwithstanding these and similar directives from the central government, the authorities in the affected provinces exercised a great deal of discretion as to which refugees would be turned back and which would be permitted to enter and remain on Thai territory.⁴ All those who were permitted entry or who had entered surreptitiously and could not be readily expelled, were to be detained in "temporary" camps under the control of the Ministry of Interior, pending their repatriation or resettlement in other countries.

As the number of asylum-seekers on Thai territory continued to grow, Prime Minister Kriangsak decided that, instead of continuing to issue draconian orders, which in many cases, were not being obeyed and which, in any case, were quite likely to result in tragic incidents which would bring his government into disrepute, the RTG would permit the Office of the U.N. High Commissioner for Refugees (UNHCR) to serve as the channel for humanitarian assistance for the asylum seekers until such time as they could be repatriated or resettled out of Thailand.

During 1975-77, about 48,000 Lao, 56,000 Laotian tribespeople, 30,500 Cambodians and almost 15,000 Vietnamese, coming by sea or land, entered Thai territory. Of these, about 17,000 Lao, 16,000 tribespeople, 15,000 Khmer, and almost 11,000 Vietnamese

⁴ A Thai newspaper reported, for example, that during a single week in November 1977, vessels carrying more than 400 refugees were refused entry and towed back to sea. Hundreds of other boat people were allowed to land and still others scuttled their boats near the coast so that the Thais had no alternative but to accept them. *Nation Review* (Bangkok), 17 November 1977.

were resettled in third countries, most going to the United States. By the end of 1977, a total of some 30,700 Lao, 15,000 Khmer, and 3,600 Vietnamese remained in UNHCR camps in Thailand.⁵

Both the Thai leadership and U.S. Embassy officials were convinced that the initial flow of refugees would soon taper off as the new regimes in Indochina established their authority and that most, if not all of the refugees on Thai territory would soon be resettled or repatriated. By early 1976, it became clear, however, that refugees were entering the country at a much faster rate than they were being taken out and that very few, if any, were willing to be repatriated. As a consequence, the RTG attempted to bring greater pressure to bear on the United States and other nations to accelerate the resettlement process.⁶

⁵ UNHCR, "Refugees and Displaced Persons from Indo-China in UNHCR-assisted camps in Thailand As of 30 June 1990, Statistics of Indo-Chinese Refugees and Displaced Persons, Table 1: Overall Situation of Indochinese Refugees in Thailand, 1975-present," (UNHCR, Bangkok): 1.

The relatively high proportion of Vietnamese who were resettled (73 percent) was a reflection of the fact that many of these refugees were South Vietnamese government officials and their families and others who were closely identified with the U.S. presence in their country during the Vietnam War. It also was an indication of the high priority attached by the Thais to removing the Vietnamese out of Thailand as soon as possible so as to avoid any complications in relations with the Vietnamese communist regime.

⁶ "... As of August 1977, five hundred boat refugees were fleeing Vietnam each month, and another twelve hundred per month were arriving overland in Thailand. This tide increased dramatically in 1978 and reached crisis proportions in 1979. Spurred by Vietnamese policies aimed at the control of private commerce, persecution of ethnic Chinese and Hmong tribesmen, and restrictions on personal and civil liberties, the monthly number of refugees leaving Indochina rose by January 1978 to fifteen hundred by sea and three thousand by land, and by August 1978 to a total of six thousand per month, of whom half were Laotian tribesmen and the rest Vietnamese boat people. the exodus peaked in may 1979, when 65,000 persons, predominantly boat people, fled Indochina. All overland refugees, and many boat people sought refuge in Thailand." Randolph, 208.

In 1972, the Thai government issued a decree which held that only children born in Thailand of ethnic Thai parents would be regarded as having Thai citizenship at birth. All other children born on Thai territory

Apart from their efforts to promote a greater effort to resettle refugees, the Thais attempted to make their country less attractive to potential asylum-seekers: On July 22, 1977, they entered into a new agreement with the UNHCR, whereby they reserved the right to distinguish between "bona fide" asylum-seekers who had fled their homelands out of fear of political persecution and other "displaced persons" who had fled for reasons of "personal convenience." The RTG announced that when the new agreement would come into effect on November 15, 1977, only *political* asylum seekers would be allowed to remain in Thailand for the purpose of being processed for resettlement and that all others would be detained in "austere camps" as "illegal immigrants," be denied the possibility of resettlement, and eventually returned, under the auspices of the UNHCR, to the countries from which they had come.⁷

were obliged to undergo naturalization before citizenship would be conferred. This law was aimed primarily at preventing the children of Vietnamese refugees in Thailand from obtaining Thai citizenship, but it also applied to Thailand's hilltribes people.

On 24 November 1977, in a move which obviously embarrassed the United States and may well have been linked to Thai efforts to get the Americans to accelerate their refugee resettlement program, it was reported that the Thai government was applying the 1972 decree to about 4,000 children born of Thai mothers and American GI fathers. None of the American-fathered children would be granted Thai citizenship and those who had already obtained it would have it revoked. *Bangkok Post*, 24 November 1977.

After the predictable outcry from the U.S. Embassy and various charitable organizations, most notably the American-based Pearl S. Buck Foundation which provided care to over 1,200 illegitimate Amerasian children in Thailand, the decision to apply the decree to the Thai-American children was quietly reversed. *Ibid.*, 3 December 1977.

⁷ U.S. Congress, Senate, *Humanitarian Problems of Southeast Asia, 1977-8: A Study Mission Report*, 95th Congress, 2nd sess. (Washington: USGPO, 1978): 23, cited in Robinson, 220-1.

(On 17 August 1977, only a month after the agreement with the UNHCR had been concluded), "... Thailand's Ministry of Interior reportedly instruc-

The United States acknowledged that the refugee problem was a legacy of its long involvement in Indochina and pledged to take more refugees out of Thailand and other countries of first asylum, as well as to increase its contribution to the UNHCR for the care of refugees, pending their resettlement or repatriation. the number of Indochinese processed for resettlement in the United States was increased to 15,000 during 1977 and, on July 5, 1978, the U.S. Government announced that all refugees rescued at sea by U.S. vessels would be admitted to the United States if no other sanctuary were available to them.

On August 15, 1978, the Carter Administration indicated that it would seek parole status for up to 50,000 refugees each year, of whom half might be Indochinese, in addition to the regular immigration quotas. Twenty-two thousand Indochinese were paroled into the United States during 1978; and an augmented parole of an additional 20,000 was announced for 1979.⁸

In effect, the United States and Thailand had reformed the pattern of close cooperation which had been strained during the disengagement from Indochina. Now the United States would take the lead in cooperating with Thailand and other countries of first asylum to alleviate one of the most tragic humanitarian concerns of the post-World War II period. By offering to take in large numbers

ted the authorities in the east coast and border provinces to comply with a new cabinet-approved 'prevention and expulsion policy,' under which 'aliens who fled into Thai territory and lived near the border should be immediately sent back by the authorities who spot them.' This policy has been inconsistently applied but occasionally has been invoked to defend particular pushback incidents." *Ibid.*, fn. #27, 239.

⁸ Randolph, 208.

of refugees and providing substantial resources for refugee relief, it would encourage other free world nations to help alleviate the overall refugee problem and be able to persuade Thailand and other Southeast Asian nations to continue to accept new refugee flows.⁹

⁹ See *ibid.*, 209.

PART TWO: THAILAND AND THE VIETNAMESE

Chapter V: The Vietnamese Boat People Migration

During the spring of 1975, as the North Vietnamese army was advancing on Saigon and other major cities of South Vietnam, tens of thousands of refugees sought to flee the country by sea. Thus began one of the largest sea migrations since the Second World War, a migration which has continued without interruption until today.

Most of the exiles during the initial phase of the boat refugee exodus were political and military officials, businessmen, and others who were closely associated with the South Vietnamese government or the American presence in the country. The majority of these people, with their families, were rescued at sea by U.S. warships or merchant vessels off the coast of Vietnam and were quickly granted permanent asylum in the United States, France and other countries.¹

The second phase of the migration may be said to have begun during the spring of 1978, when the rulers of a unified Vietnam undertook to promote the more rapid "socialist transformation" of the southern region by abolishing private commercial activity, a move clearly aimed at eliminating the influence of ethnic

¹ See *FEER*, 22 December 1978, 8.

Chinese merchants who dominated the economy of the south, particularly with respect to the marketing of agricultural produce.²

A key feature of the new regime's post-war economic recovery program was the promotion of "New Economic Zones," areas in the southern region in which residents of the overcrowded cities might be resettled. The ethnic Chinese merchants who had been dispossessed by the new economic policies were specifically targeted for relocation to the zones.³

² "The August 1978 issue of the Vietnamese Communist Party Magazine, *Tap Chi Cong San*, stated: 'The bourgeois of Chinese descent... controlled nearly all important economic positions, and especially firmly controlled three key fields: processing, distribution and credit. At the end of 1974 they controlled more than 80 per cent of the installations of the food, textile, chemical, metallurgy, engineering and electrical industries and nearly achieved a trading monopoly - wholesale trade 100 per cent, retail trade more than 50 per cent and export-import trade 90 per cent. They completely controlled the purchase of rice and paddy... Since they controlled the supply of goods to the market, they could manipulate prices... through their import-export network and transport network and through the network of medium and small traders of Chinese origin... They built a closed world based on blood relations, strict internal discipline and a network of sects, each with its own chief, to avoid the indigenous administration's direct interference. Each sect had its own budget, school, clinic, journal, headquarters, and cemetery and a monopoly over a special branch of activity. This was truly a state within a state...' *Keesing's*, 23 February 1979, p. 29468.

On March 24, 1978, "Teams of youth volunteers, communist cadres and security forces descended on Cholon, the predominantly Chinese twin city of Ho Chi Minh City - formerly Saigon - and in a carefully planned and well executed operation, effectively closed more than 30,000 private businesses." *FEER*, 22 December 1978, 8.

The abolition of private commerce was extended to the whole of South Vietnam by decree on March 31, 1978. *Keesing's* (23 February 1979): 29469.

³ The Vietnamese government officially stated on June 24, 1978 that 95 percent of the "bourgeois trader's households" in Ho Chi Minh City "had registered for productive work" and 70 percent of these people "had left for various provinces to set up new industrial enterprises or to take part in agriculture." The newspaper, *Tin Sang*, admitted, however that "some have preferred to commit suicide rather than adopt a new way of life which they regarded as a form of deportation."

According to a Japanese report of July 5, almost all of the private stores in Ho Chi Minh City had disappeared and had been replaced by about 4,000 state-operated shops. *Ibid.*

The "zones" were presumably the same as the areas developed by the Don Dien ("Relocation") Program begun by the former South Vietnamese

Hanoi's repressive economic and social policies combined with rapidly worsening relations with Cambodia and her patron, China, to promote an acceleration in the flight of ethnic Chinese from the country, particularly after the Vietnamese invasion of Cambodia in late 1978 and China's retaliatory invasion of northern Vietnam during February-March 1979.

Between the confiscation of the Cholon businesses in March 1978 and September 1979, an estimated 250,000 ethnic Chinese, most from the northern region of Vietnam, were reported to have fled into China. Over 94,000 other refugees, about 70 percent of whom were ethnic Chinese, fled from Vietnam by boat. More than half of these asylum seekers made their way to Malaysia, while the others managed to reach Thailand and other Southeast Asian countries.⁴

regime, with U.S. support in 1973. By the end of the first year of the Program, about 400,000 Vietnamese had been resettled from urban areas to newly established villages, mainly in the central highlands of South Vietnam.

The writer became familiar with this program while serving as a Reports Officer with the Civilian War Victims Directorate of the U.S. Agency for International Development in Saigon (1970-74).

⁴ *Ibid.* (8 February 1980): 30076.

"With more than 250,000 Vietnamese refugees, China ranks second to the United States among host countries with the largest resettlement programmes for Indochinese...

"The brightest spot in the resettlement programme is a refugee fishing village built outside Beihai on the Gulf of Tonkin. Beihai was the scene of frequent landings by boat people from the north of Vietnam during 1978-79, many of them ethnic Chinese fishermen whose parents or grandparents had originally lived in the Beihai area before seeking the better fishing waters off Vietnam's northern islands.

"With US\$21 million provided by Chinese state agencies and more than US\$6 million provided by the UN, a model complex was built on the Beihai coast to house about 10,000 refugees. A harbour for 1,000 fishing boats was built, and is now occupied by some 700 small boats and 25 motorized junks - either boats in which the refugees arrived or new vessels built in China." *FEER*, 3 September 1982, 42.

By 1974, the Chinese reportedly had received more than 270,000

As early as April 1979, the authorities in Hong Kong had noted that incoming refugees were increasingly ethnic Vietnamese who were fleeing military conscription, forced labor in the New Economic Zones, or the abysmal economic conditions in both regions of the country.⁵ This flight of ethnic Vietnamese marks the third phase of the so-called "boat people" migration, one which has largely continued until today.

refugees from Vietnam. Some \$40 million was initially budgeted for their resettlement and the UNHCR provided a grant of \$45 million to help improve their living conditions. Most of the refugees were employed on 196 local farms, forestry operations, and fishing cooperatives in southern Guangdong, Guangxi, Yunnan, Fujian and Jiangxi provinces. *Beijing Review*, no. 46 (12 November 1984), 11-12.

In May 1985, the U.N. High Commissioner for Refugees, Paul Hartling, visited the refugee communities in China and announced that the UNHCR would increase its assistance by \$12 million. The Chinese authorities indicated that they had increased their budget for refugee resettlement to over \$211 million, most of which was allocated to state farms where the Vietnamese and about 4,000 refugees from Laos had been settled.

The High Commissioner also indicated that only about 1,300 of the Vietnamese refugees had left China, several hundred were "marooned in a transit camp at Fangcheng..." and only a few had returned to Vietnam. John F. Burns, "China Gets High Marks on Settling Refugees," *New York Times*, 19 May 1985.

For a report on ethnic Chinese refugees from Vietnam who escaped from China to Hong Kong, see *Keesing's* (8 February 1980): 30076.

⁵ During this period, Vietnam was experiencing the kind of serious reverses in agriculture which seemed endemic to heavy-handed communist regimes. Since 1975, the country reportedly had suffered from "bad rice harvests" and, in the early months of 1978, from "both droughts and floods." In addition, "the harvest in the Mekong delta suffered from insect pests, largely because of a critical lack of insecticides and spare parts for sprayers, and in the northern provinces from a fungus disease." *Keesing's* (8 February 1980): 30075.

Another factor which adversely affected Vietnam's agricultural economy was the mobilization and increased conscription taken in light of growing hostilities with Vietnam's communist neighbors. As one observer has noted: "Besides drafting more men who were or could be employed in productive jobs, the new drive to strengthen defenses means a slowdown in farm, road and bridge-building activity undertaken by the army and fishing by the navy in normal times. And in addition to the very real danger of agricultural production falling as a result of the diversion of resources, the Government will have many more armed men to feed. The army, which in normal times produces about a quarter of its food, will have to depend more on farmers who cannot expect to enlarge cultivable areas or obtain more fuel or fertilizer from the Government." *FEER*, 4 August 1978, 13.

U.S. officials estimated in 1979 that about 50 percent of all boat people leaving Vietnam were lost at sea as a result of storms, unseaworthy vessels, or pirate attacks.⁶ This estimate was supported in a later report by the International Committee of the Red Cross (August 23, 1981) which indicated that "for every four to five people who arrive at a safe port, there are probably another five who did not make it."⁷ Authorities in Southeast Asia provided estimates of losses ranging from 10 to 30 per-cent of the boat people; and even these lower estimates indicate that during 1975-79, at least 55,000 Vietnamese asylum seekers had lost their lives.⁸

Despite repeated assurances from Vietnamese diplomats that steps would be taken to stem the exodus of boat people, there was clear evidence during 1978-79 that the Vietnamese government itself was actively encouraging the migration and profiting handsomely from it by extorting payments from prospective refugees.⁹ While most of the boat people escaped on small fishing craft, there were reports that a significant number had been taken out of the country on commercial vessels owned by an international

⁶ *Ibid.*, 26 October 1979, 35.

⁷ *Keesing's* (10 September 1982): 31692.

⁸ *FEER*, 26 October 1979, 35.

⁹ One observer has estimated that, during 1978 alone, "Hanoi's receipts from the refugee traffic (totalled) U.S. \$115 million... about 2.5 percent of the total estimated gross national product." Guy Sacerdoti, "How Hanoi cashes in: Boat organizers tell of taxes on the refugee trade," *FEER*, 15 June 1979, 23-6.

A decade later, the Vietnamese communist party newspaper, *Nhan Dan*, admitted that "In 1978 and 1979, in compliance with the wishes of a number of people who wanted to go abroad for family reunion, our state organized some units, the public security service of Dong Nai province among them, to organise their departures... In June 1978, the board of directors of the Dong Nai provincial public security service entrusted the political security office with implementing this task, which concluded on May 31, 1979." Quoted in *Bangkok Post*, 15 January 1989.

syndicate of Chinese businessmen, with the approval of the Vietnamese government.¹⁰

The Initial Response of First Asylum Countries

During 1977 and 1978, the attention of ASEAN was largely devoted to implementing the commitments made at the Bali summit conference. The prospects for detente with Vietnam appeared good and the migration of refugees leaving Vietnam by sea was at a relatively low level. By 1979, however, attention became focused on the problems arising from a vastly expanded Indochinese refugee influx into the region and the conflict between Cambodia and Vietnam.

Since the beginning of the boat people migration, Malaysia has been the preferred destination of most of the asylum seekers. By early 1979, that country was providing asylum to almost 76,000 Vietnamese in temporary camps under UNHCR auspices.¹¹ On January 15, 1979, the Malaysian Prime Minister, Datuk Hussein, respon-

¹⁰"Ethnic Chinese emigrants paid between L1,000 and L2,000 in gold and Vietnamese 50 percent more, part of the money being used to bribe officials and the remainder going to the syndicate. Businessmen in Vietnam financed emigrants unable to pay this amount in return for credits paid into overseas bank accounts by their relatives and friends outside Vietnam." *Keesing's* (8 February 1980): 30078.

"A 50-foot fishing vessel capable of carrying 250 refugees currently costs up to US\$100,000 in Vietnam (compared with less than US\$15,000 in Hong Kong). The total 'fare collection,' assuming that half the passengers are children who travel at reduced rates, is more than US\$500,000. The government takes US \$250,000 of this, leaving the middleman with US\$150,000 to cover his expenses after buying a boat."

"... Unsubstantiated reports suggest that the fee of a ship carrying 2,000 or more refugees is.. up to US\$500,000. This is more than the value of the vessels being used, which are usually over 15 years old and hold dubious certificates of seaworthiness." *FEER*, 12 January 1979, pp. 10, 11.

See also *Keesing's* (8 February 1980): 30076.

¹¹ *FEER*, 26 January 1979, 15.

ded to mounting domestic criticism of his government by announcing that Vietnamese refugees would not longer be permitted to land in his country. While the Malaysian navy and maritime police undertook to repel incoming boats, many were able to evade the patrols, with the result that almost 49,000 newcomers arrived during 1979, while just over 22,000 refugees were taken out of the country for resettlement during the same period.¹²

Malaysia's official hard line policy did much to harden the attitude of the other Southeast Asian nations against the boat people: On February 2, 1979, the Philippines government established a naval blockade of the twenty-mile mouth of Manilla Bay after two freighters landed over 600 Vietnamese refugees on the island of Palawan. Thailand responded to the increased sightings of boats by ordering a blockade of its coasts (May 8). At the height of the boat people migration, during the month of May 1979, about 18,700 refugees landed in Hong Kong, over 17,500 in Malaysia, about 10,000 in Indonesia, and 2,800 in Thailand, in addition to smaller numbers reaching the Philippines, Singapore, Japan, and Macao.¹³

¹² *Keesing's* (8 February 1980): 30079.

¹³ The Malaysian Home Minister, Tan Sri Ghazali, reported that, from April 1975 through June 1979, Malaysia had received a total of 117,775 Vietnamese, of whom only 42,248 had been resettled outside of the country. He also noted that, during January-June 1979, the Malaysian navy had towed out to sea 267 boats, carrying 40,459 people.

Malaysia had already resettled 90,000 Muslim refugees from the Philippines and 1,600 Muslim Cham from Cambodia, but refused to accept any Vietnamese owing to the fear that to do so might upset the delicate racial balance between Malays and Chinese in the country. *Ibid.*

The Response of the United States and ASEAN

The U.S. Ambassador to Thailand, Morton Abramowitz, who arrived in Bangkok in August 1978 at the height of the boat people crisis, took a leading role in bringing the plight of the refugees to the attention of Washington, the RTG, and the international community at large. The Ambassador insisted that meeting the challenge posed by the boat people migration required concerted action on the part of the United States and other free world nations: 1) to pressure Vietnam to end those policies which were promoting the outflow of refugees; 2) to provide, where necessary, resettlement opportunities for those refugees who could not return home; and 3) to ensure Thailand and other countries of first asylum that adequate financial assistance would be provided for the *temporary* care of refugees, pending their resettlement or repatriation.¹⁴

Early in 1979, consultations among the members of ASEAN resulted in an agreement to reduce the burden on Malaysia and Thailand, which had received by far the greatest numbers of refugees, by transferring tens of thousands of them to special processing centers in the Philippines and Indonesia where they would be held pending their departure. By the end of the year, the Filipinos had opened up such a center at Morong on the Bataan Peninsula and Indonesians one on the island of Galang.¹⁵

The ASEAN members also agreed to heighten awareness of the refugee crisis in the region and the need for substantial international assistance to alleviate it. In mid-June, 1979, Malaysia,

¹⁴ Randolph, 208-9.

¹⁵ Irvine, 109.

Thailand and Indonesia made simultaneous announcements that they would receive no more refugees; and, at the annual ASEAN Foreign Ministers Conference held at the end of June, the ministers denounced Vietnam for encouraging the refugee flow and met with the foreign ministers of the United States, Japan, Australia and New Zealand in order to press their case for stronger sanctions against Vietnam and more assistance for the refugees.¹⁶

The Geneva Conference of 1979

At the urging of ASEAN, the United States and other western powers, U.N. Secretary General Kurt Waldheim called for the convening of an international conference to consider the issue of providing more substantial assistance for the refugees from Indochina. Representatives of sixty-five governments and several inter-governmental and non-governmental agencies responded to the appeal and gathered in Geneva on July 20-21

On the eve of the conference, the UNHCR reported that, since 1975, there had been a total of more than 575,000 Indochinese refugees and displaced persons, of whom over 202,000 had been

¹⁶ Frost, 15.

"The refugee outflow from Vietnam greatly facilitated a common stand in 1979. the boat people landing on the western flank of ASEAN caused other ASEAN members besides Thailand to resent Hanoi... The refugee burden irked the usually more accommodating Malaysians; some even viewed the outflow as a plan to weaken Malaysia economically and, because the refugees were (predominantly) ethnic Chinese, to unbalance the Federation racially... Malaysia's sending the refugees back out to sea showed its desperation and soon soured relations with Indonesia, which became their next designation... Reflecting this new situation, (Indonesian) Foreign Minister Mochtar... expressed a new mood in Jakarta, saying he was 'fed up' with empty promises from Vietnam. Hanoi was losing credibility with its most sympathetic ASEAN member..." Michael Antolik, *ASEAN and the Diplomacy of Accommodation* (New York: M.E. Sharpe, Inc., 1990), 117-8.

permanently resettled; and that there were currently about 373,000 additional refugees in camps of first asylum in a dozen countries, of whom about 204,000 were Vietnamese boat people.¹⁷

During the conference, the UNHCR received pledges of aid amounting to about \$160 million and an agreement was reached whereby several countries raised the number of available resettlement places to 260,000.¹⁸ Secretary General Waldheim also in-

¹⁷ *Ibid.*, 30080.

During this period, the number of Vietnamese in Hong Kong alone increased from over 5,000 at the end of 1978 to 65,065 by July 15, 1979: "The increase was due in part to the flight of ethnic Chinese from North Vietnam after the Chinese invasion; whereas almost all the refugees up to 1978 had come from the South, more than half of those who entered Hong Kong in the first five months of 1979 were Chinese from the North....."

"The Influx of Vietnamese into Hong Kong coincided with a massive increase of immigration from China. In the first five months of the year, 47,844 legal immigrants arrived and 33,566 illegal immigrants were arrested and repatriated, whilst it was estimated that 100,000 others had succeeded in entering Hong Kong illegally..." *Ibid.*

"The Hong Kong authorities estimated that some 108,000 illegal immigrants arrived in the colony (from China) during 1979 and about 62,000 during the first nine months of 1980. In October 1980, the governor of Hong Kong announced that a tougher policy had been worked out in cooperation with Chinese authorities, which would result in the deportation of any illegal immigrants and stiff fines for anyone who had given them employment." *Facts on File*, 7 November 1980, 855.

¹⁸ *Ibid.*

Just prior to the conference, U.S. President Jimmy Carter took steps to demonstrate the sincerity of U.S. concern for the refugees by ordering four U.S. warships and aircraft operating in the South China Sea to keep a special watch for boat people and to rescue them whenever possible. The Italian government also dispatched three naval vessels from Singapore with the same mission. In addition, private ships from France, Norway, and other nations were reportedly engaged in rescue operations. *New York Times*, 8 August 1979; cited in *Facts on File*, 24 August 1979, 625.

All of these rescue efforts were condemned by Malaysia and other countries of first asylum on the grounds that they served to encourage people to flee by boat. (See *FEER*, 10 August 1979, 23). For its part, the Vietnamese government charged that the U.S. effort was a "show off" operation designed to divert the attention of the American public from other issues and that it served as an "incitement" for additional illegal departures. *Facts on File* (3 August 1979): 575; and (24 August 1979): 625.

The Vietnamese Communist Party newspaper, *Nhan Dan*, also charged that the United States and China had perpetrated "the trick of inciting refugees to cause instability in Vietnam, disrupting the economic construction and discred-

formed the delegates that Hanoi had agreed to enforce a temporary "moratorium" on the flow of refugees.¹⁹ As one observer has pointed out, "Through effective joint diplomacy ASEAN had achieved major gains in an area of vital concern."²⁰

Within a month of the conference, there were reports that, owing to the serious impact of the refugee outflow on Vietnam's economy, the Vietnamese government had taken severe measures to reduce the refugee flow.²¹

iting the socialist system." (*Bangkok Post*, 1 August 1981). Indeed, there was growing evidence during this period that the outflow of refugees was seriously weakening the country's economy: Western observers based in Hanoi noted that the mass departure of ethnic Chinese, who constituted more than 60 percent of the workforce in the mining industry, cut coal production in May 1978 to 15 or 20 percent of its normal output; and that the departure of thousands of ethnic Chinese fishermen and dockers had caused a sizable loss to the fishing industry and had led to long delays in unloading at Haiphong. *FEER*, 4 August 1978, 12-13.
¹⁹ *Ibid.*, 3 August 1979, 18.

Hong Kong's Chief Secretary, Sir Jack Carter, indicated that he was deeply concerned at the concept of a "moratorium" because it carried "a threat of re-introduction of that disgusting trade in human misery." Australia's director of immigration, Lou Engledow, stated that the Australian Government regarded the moratorium as an admission by the Vietnamese government that it had control over the exodus of boat people. *Ibid.*, 22-3.

In an interview held during the conference, the Vietnamese Secretary of State for Foreign Affairs, Nguyen Co Thach, insisted that it was not official policy to make people pay in gold for the right to leave Vietnam. While he admitted that corruption involving some officials had occurred, he maintained that "the very fact that the refugees need to make gold payments indicated that they were not forced out as alleged, but were leaving Vietnam voluntarily." *Ibid.*, 27 July 1979, 18-19.

²⁰ Frost, 15.

²¹ A few weeks after the conference, Secretary Thach told a group of American newsmen in Hanoi that 4,000 people had been arrested and that the threat of death sentences and tough security measures had reduced illegal flights "to our utmost." He promised that foreign counselor officers, including up to three Americans, would be permitted into Vietnam to process applications for legal immigration and pointed out that some three million Vietnamese, including 1.5 million ethnic Chinese may want to leave the country. The Secretary also noted that refugees had stolen 5,000 state-owned fishing boats and had thereby cut in half the take of fish in Vietnam. *Bangkok Post*, 13 August 1979.

On July 22, the Philippine government reported that it had granted asylum to eight Vietnamese who alleged that their boat had been attacked by Vietnamese troops after running aground on one of the Spratly Islands. Twenty

While the offers of increased refugee resettlement by the United States and other countries lessened the pressure on the countries of first asylum, there was little change in the official policies of these countries, designed to discourage the landing of boat people on their shores: On August 3, 1979, the UNHCR issued a statement, aimed primarily at Malaysia, the destination of more than one-third of the boat people, which claimed that there had been "repeated violations of the 'sacred principle' of nonrejection of refugees by the country they reached first in their bid for asylum."²²

By the end of 1979, the number of refugees arriving at Southeast Asian shores dropped sharply and net departures from the refugee camps exceeded arrivals for the first time.²³ There were fears, however, that Hanoi had undertaken to curtail the

men, 20 women, and 45 children were reported to have been killed. *Facts on File* (27 July 1979): 550; and *FEER*, 26 October 1979, 34.

"It was reported from Haiphong on Aug. 17 that armed (Vietnamese) police and troops were stopping all vehicles entering the shore areas and that the Navy was patrolling the coast. Mr. Hoang Bich Son, a Deputy Foreign Minister, stated on Aug. 9 that 4,000 people had been arrested recently while trying to leave the country.

"A number of trials of persons accused of organizing illegal departures were reported from June onwards. The members of a ring who had posed as officials of the Ministry of the Interior and had supplied forged papers to ethnic Chinese wishing to leave the country in return for payment of gold were given prison sentences ranging from eight to 18 years in Ho Chi Minh City on Aug. 1. In five cases reported in the latter half of 1979 nine men who had committed murder while organizing illegal departures were condemned to death, and the leader of a group which had used weapons to seize a fishing boat was reported on Oct. 10 to have been given a life sentence." *Keesing's* (8 February 1980): 30083.

²² *Facts on File*, 24 August 1975, 625.

²³ According to a report from an American observer, Malaysia "pushed some 40,000 boat people out to open waters, where many perished. Thailand, Indonesia, and the Philippines also stopped boats from reaching their shores, with significant loss of life." Joseph Cerquone, "Uncertain Harbors: The Plight of the Vietnamese Boat People," Washington: USCR, October 1987, 4.

refugee flow only temporarily and that it would eventually resume with the expulsion of the remainder of the ethnic Chinese minority in Vietnam, which numbered about 1.5 million.²⁴

By the end of 1983, about 95 percent of all the boat people who had arrived in countries of first asylum since 1975 had been taken out for permanent resettlement, leaving only about 27,000 in UHNCRC camps throughout Southeast Asia. However, the rate of resettlement had slowed down markedly toward the end of 1980 and the beginning of 1981 after most of the refugees acceptable to the countries of resettlement had been taken out of the region. The UNHCR reported that during 1983 there were only 30,000 boat people arrivals, but that the rate of resettlement had slowed to

²⁴ "The accounts of refugee officials throughout the region agreed that no ethnic Chinese... have reached their shores since the Geneva meeting.

"Those reaching foreign shores are similar to the original boat people who left before Hanoi's decision in mid-1978 to expel ethnic Chinese in return for payment...

"Most of the refugees now coming from Vietnam are ethnic Vietnamese. A high proportion of them have family ties abroad or were civil servants in the old Saigon Government with connections to the American civil and military bureaucracies there. Many of the men had served time in what Hanoi authorities call 're-education camps.'

"In September arrivals in countries of first asylum totaled 11,000, while departures reached 25,000.

"The backlog remains huge, however. Boat refugees in camps in Asia number 178,000, in addition to 160,000 land refugees in Thailand. Hong Kong - with 64,500 Vietnamese, overwhelmingly of Chinese origin - has the next biggest burden. Malaysia is giving shelter to 50,000 boat people and Indonesia to 45,000." "Number of Refugees From Vietnam Is Reported Off Sharply Since June" by Henry Kamm, *New York Times*, 15 October 1979.

"...(T)he total number (of boat people) arriving in Thailand, Malaysia, Singapore, Indonesia, the Philippines, Hong Kong, Macao and Japan fell from about 128,000 in the second quarter of 1979 to about 27,000 in the third and 6,300 in the fourth. The number of arrivals fluctuated in 1980 between about 2,500 and 10,500 a month. There were signs of an increase in the flow at the end of 1980 and the beginning of 1981; 451 refugees reached Hong Kong in the first eight weeks of 1981, twice as many as in the corresponding period of 1980." *Keesing's* (10 April 1980): 30810.

such an extent that the monthly average of arrivals exceeded the monthly average of those leaving for resettlement.²⁵

The decline in resettlement opportunities reflected the desire of the resettlement countries not to encourage the flight of "economic migrants" from Vietnam, but was also indicative of economic recession, high levels of employment, and what was called "compassion fatigue" in the major host countries - the United States, France, Canada, Australia, and the United Kingdom.²⁶

The Orderly Departure Program

In response to threats by Malaysia and other countries of first asylum to take even more drastic action to end the boat people migration to their shores,²⁷ a conference of twenty-five nations

²⁵ *Ibid.*

It should also be noted that during 1983, "the number of Vietnamese benefiting from the UNHCR's Orderly Departure Program to leave Vietnam legally surpassed for the first time the number of those escaping illegally." Cerquone, "Uncertain Harbors: The Plight of the Vietnamese Boat People," USCR, October 1987, 9.

²⁶ Numerous *ad hoc* studies were undertaken to determine whether those leaving Vietnam were genuine political refugees in need of asylum or were economic migrants. One such study, surveying 300 arrivals in Hong Kong during three weeks in June 1981, indicated that "55% had left Vietnam for economic reasons, 25% to avoid military service, 4% for family reunion and only 8% to avoid political persecution. In addition, more than half had not completed primary school, only 8% had worked for the government prior to 1975 and 45% had been fishermen since the war ended." *FEER*, 17 July 1981, 27.

²⁷ The Malaysian government declared, in an official statement, that an "intolerable situation" had arisen; and the Deputy Prime Minister stated that the Malaysians would "shoot on sight" all refugees entering their coastal waters. While the Deputy Prime Minister's remark was quickly repudiated by the Prime Minister, it was "credited by many as causing the U.S. government to increase the intake of refugees from 2,000 per month to about 40,000." *FEER*, 1 June 1980, 10; and 31 August 1979, 41.

concerned with the Indochinese refugee problem was convened in Jakarta during May 15-16, 1979. The United States and other resettlement countries pledged to accelerate the rate of resettlement in order to alleviate the concern of the first asylum countries; and the Vietnamese representative indicated his government's willingness to permit its citizens "to go directly to the countries of resettlement at the rate of 10,000 a month in order to reduce the pressure on neighboring countries."

The Vietnamese had begun negotiating with representatives of the UNHCR a few months earlier, to establish a program to facilitate the "orderly departure" of Vietnamese on the basis of the principle of family reunification and other humanitarian considerations. On May 30, the UNHCR announced that an agreement had been reached and that the "Orderly Departure" Program would be initiated in late June.²⁸

²⁸ *Keesing's* (8 February 1980): 30078.

By June 1985, six years after its introduction, only about 88,000 people, mostly ethnic Chinese and Amerasian children, had been resettled under the Orderly Departure Program (ODP), mostly in the United States, Canada, France, West Germany and Australia.

The United States complained that relatively few cases of interest, such as the estimated 8,000 political prisoners and some 8,000 to 15,000 Amerasian children and their families, had been permitted to enroll in the Program. In January 1986, the Vietnamese government temporarily suspended screening of applicants because of a backlog which it claimed was the result of "slow processing" by the receiving nations. USCR *World Refugee Survey: 1985 in Review*, 55.

By the end of 1991, the UNHCR reported a total of 311,868 Vietnamese and 13,200 Cambodians had been taken from Vietnam and resettled under the ODP: The United States received 191,191 (59 percent); Canada, 41,936 (13 percent); France 22,250 (7 percent); Germany, 11,138 (3 percent); and the balance by more than twenty-five other nations. Office of the UNHCR, Geneva, 30 November 1991, "Table V: Orderly Departures from the Socialist Republic of Vietnam, A. Vietnamese and B. Kampuchean Refugees."

During June, the ASEAN foreign ministers met at Kunta, Indonesia to determine a concerted plan of action with respect to the boat people. The ministers concluded with a formal announcement of their refusal to accept any more refugees and reserved the right to expel those already in their countries "if they were not accepted by other states." They also denounced Vietnam "for the unending exodus of illegal immigrants" and for her invasion of Cambodia.²⁹

In an effort to assure Malaysia, Thailand, and the other first asylum countries of their continued support, the heads of government of the United States, Japan, Britain, France, West Germany and Italy met in Tokyo on June 28. They called on Vietnam to take immediate action to stop "the disorderly outflow of refugees" and pledged that they would "significantly increase" their contributions to Indochinese refugee relief and resettlement.

In addition, the United States urged other governments, international charities, and the World Bank to adopt tough sanctions on aid to Hanoi in order to get it to stop its "inhumane treatment" of its own citizens.³⁰ In response to this appeal, the European Commission announced that the European Community's program of food aid

²⁹ *Facts on File*, 6 July 1979, 495.

³⁰ "Non-communist international organizations and banks (had) promised to grant or lend on soft terms some US\$1.7 billion in economic aid to Vietnam for its current five-year plan. That amounts to about a third of its total foreign aid and most of its hard currency exchange. The Soviets provide US\$2.5 billion of aid, it is reckoned (by U.S. analysts), but Washington officials have scant hopes that Moscow will use it as leverage to halt the expulsion-cum-extortion that is being practiced against Indochina's ethnic Chinese and other 'class enemies' of the Hanoi regime." *FEER*, 6 July 1979, 23.

for Vietnam was being suspended and the food diverted to the UNHCR for the use of refugees.³¹

The "Rescue at Sea" (RASRO) Program

One of the major concerns of the UNHCR during 1984 was the sharp decline in the number of refugees being rescued at sea by commercial vessels and private rescue operations. UNHCR statistics indicated that from a high of 21 percent of the 75,000 boat people rescued in 1981, the proportion of those rescued at sea had fallen to seven percent of the 15,000 people arriving at countries of first asylum during the first six months of 1984.³²

At first the UNHCR attributed the decline to "economic recession and a reduced volume of commercial shipping." Later, the agency indicated that the decline was most likely due to "fear

³¹ *Keesing's* (8 February 1980): 30079-80.

³² The head of the UNHCR office in Singapore charged that many refugee boats were being ignored by potential rescuers: "As recently as 1981... 213 ships plucked 14,589 boat people from the sea. This was 14 percent of all refugee arrivals in Southeast Asia. Only 60 ships put refugees ashore in 1982 and only 48 vessels have done so this year (1983)... Boat people who reach shore on their own tell of being repeatedly passed by ships... Ship captains are reluctant rescuers because of an exaggerated fear of difficulty and delay in ports where they bring people." Kenneth L. Whitting, "Ships Pass Refugees from Vietnam, U.N. Official Says," *Washington Post*, 2 December 1983.

"The proportion of sea rescues had, in fact, declined more rapidly than the number of boat people leaving, from a 1979 peak of 202,158 to 28,055 (in 1983). In addition, private rescue operations from France, West Germany, Switzerland, the United States and other nations have ended for lack of money, or in some cases, difficulty in placing such refugees." *Bangkok Post*, 30 July 1984.

"... There is evidence that many ships are ignoring distress calls and taking longer routes to avoid areas where refugees might be spotted.

"The percentage of boat people picked up by passing ships has fallen from 21% of all arrivals in second countries to 8% in 1984. The number of countries whose vessels rescued refugees fell from 33 in 1981 to 15 in 1983." *FEER*, 11 April 1985, 34.

of pirate attacks" and "the misinformation that there will be long and expensive delays in port for disembarkation."³³ The agency insisted that any refusal to pick up people in danger at sea was a violation of customary international law.³⁴

As part of its effort to reverse the trend, the UNHCR proposed that interested nations pool a number of resettlement places for the exclusive benefit of refugees rescued at sea by their commercial vessels. Once a country had filled its promised quota, any additional refugees rescued by its ships would be sent to other countries participating in the program. On May 1, 1985, thirteen countries had agreed to support what became known as the "Rescue at Sea Resettlement Offers (RASRO) Program by pledging a pooled total of 2,500 resettlement places.³⁵ By the end of 1985, the number of refugees being picked up by commercial vessels and private mercy ships were reported to have almost doubled the number of the previous year.³⁶

³³ *Ibid.*

³⁴ The Director of the Political Asylum Project of the Lawyers Committee for Human Rights, Arthur C. Helton, has noted: "There is... a duty under international law to rescue those in danger at sea - a doctrine which is closely related to the principle of *non-refoulement*. This principle is established firmly in customary international law and, as a treaty rule, can be traced back to the Brussels International Assistance and Salvage at Sea Conventions of 1910, which was ratified by 63 nations. Most international agreements signed after 1910 relating to safety at sea have incorporated a provision endorsing the duty to rescue, including the 1958 Geneva Convention on the High Seas, the 1960 London International Convention for the Safety of Life at Sea, and the 1982 UN Convention on the Law of the Sea (article 98)." Arthur C. Helton, "Asylum and Refugee Protection in Thailand," in *International Journal of Refugee Law*, 1, no. 1 (Oxford: Oxford Univ. Press, 1989): 40.

³⁵ The participating nations included the United States, France, the United Kingdom, Canada, Greece, Finland, France, Japan, the Netherlands, New Zealand, Norway, Spain, Sweden, and Switzerland. "The U.S. pledged 1,031, or almost half the resettlement places, followed by Canada with 450, France with 175 and Great Britain with 150." *Bangkok Post*, 4 May 1985.

³⁶ According to the UNHCR, "2,818 refugees were saved by passing ships, or

The Boat People Resurgence of 1987

As indicated in Table 1 above, there was a net decline of over 7,000 in the overall total of boat people in UNHCR camps of first asylum during 1984, followed by a decline of almost 3,000 during 1985 and a decline of over 3,000 during 1986. By the end of 1986, the camp population throughout Southeast Asia numbered about 13,000.³⁷

The fact that the overall camp population had been steadily declining and that the net annual increases in a few countries was measured in the hundreds, rather than the thousands as had been the case prior to 1979, allowed Southeast Asian policy-makers to hope that the boat people presence would be markedly reduced, if not entirely eliminated within only a few more years, provided that the current rate of resettlement would be maintained. Early in 1987, however, a rapid acceleration in the rate of boat arrivals made it clear that this hope had been in vain.

15 percent of the total number who arrived in Southeast Asia in 1985." USCR *Refugee Reports*, 7, no. 4 (18 April 1986): 2.

³⁷ In February 1986, at the request of the UNHCR, Hong Kong agreed to establish a transit center where "overdue" ship rescue cases from other countries of asylum would be allowed an additional period in which to be processed for resettlement. The Hong Kong authorities insisted, however, that a maximum of only one hundred refugees would be held at the center and that the maximum length of stay would be 180 days. Rita Fan, "Hong Kong and the Vietnamese Boat People: A Hong Kong Perspective," in *International Journal of Refugee Law* (special issue, September 1990): 157.

We should note that, while the overall total camp population was decreasing, certain countries experienced net increases in the number of refugees on their territories: Indonesia experienced a net increase of over 500 boat people during 1984; the Philippines had a net increase of 700 in 1985, Thailand a net increase of 400 during the same year; and Malaysia had a net increase of almost 400 during 1986.

During 1987, a total of over 21,000 boat people were taken from camps throughout Southeast Asia and resettled outside of the region. However, within the same period, the continued economic crisis and political repression in Vietnam prompted over 28,000 more people to flee the country by boat. Most of these refugees, some 11,000, made it to Thailand; about 8,000 came to Malaysia, over 3,000 to Hong Kong, and almost 3,000 to the Philippines. In effect, despite their best efforts to deter the refugees, the first asylum countries received a net gain of almost 7,000 by the end of the year. The reversal of the trend toward depopulation of the UNHCR camps caused a hardening of policies against the boat people throughout the region.³⁸

³⁸ On January 27, 1988, Thai marine police reportedly pushed out to sea an incoming boat carrying 40 refugees; and, on the following day, the RTG announced that henceforth all Vietnamese boats would be pushed back. In another incident, on April 24, Indonesian soldiers reportedly fired on an incoming boat, killing one refugee and wounding another. There were also reports that both Thai and Indonesian authorities had ordered that incoming boats be redirected to Malaysia. USCR *World Refugee Survey, 1988 In Review*, 54.

According to UNHCR statistics, almost 3,200 boat people were pushed off from Thailand in 1988. *Ibid.* Another UNHCR report indicated that as many as 170 refugees may have died as a result of this policy by Thailand. USCR *Refugee Reports*, 9, no. 6 (24 June 1988): 6.

From January-September 1988, nearly 600 Vietnamese refugees who eventually arrived in Malaysia reported that they first had been pushed off from Indonesia. USCR *World Refugee Survey, 1988 In Review*, 52.

Table 1: Vietnamese Boat People Arrivals/Departures in First Asylum Countries³⁹
(Departures in parentheses)

Country	1975-83	1984	1985	1986	1987	1988	1989	1990	1991	1975-12/92 Cumulative Total	Camp Pop. 31 Dec. 1992
Malaysia	191,251 (181,920)	9,035 (10,460)	7,394 (7,993)	7,400 (7,011)	8,030 (8,181)	13,312 (8,516)	16,718 (10,294)	1,326 (5,763)	0 (2,080)	254,495 (247,278)	10,267
Hong Kong	103,299 (95,576)	2,230 (3,694)	1,113 (3,953)	2,055 (3,816)	3,395 (2,212)	18,417 (2,782)	34,622 (4,505)	6,599 (6,049)	20,208 (11,906)	195,206 (161,010)	45,317
Thailand	74,960 (67,233)	2,807 (6,659)	3,310 (2,902)	3,886 (2,668)	11,195 (4,032)	7,086 (8,610)	4,373 (5,249)	9,054 (6,271)	202 (3,168)	117,307 (109,895)	9,755
Indonesia	75,240 (76,704)	7,437 (6,900)	6,239 (6,529)	2,596 (5,433)	1,758 (3,241)	1,876 (2,024)	6,695 (1,840)	12,328 (740)	1,397 (2,790)	121,684 (108,890)	14,990
Philippines	30,601 (28,896)	1,870 (2,201)	2,602 (1,900)	2,046 (2,155)	2,667 (2,271)	3,826 (2,226)	6,678 (2,136)	1,108 (2,094)	252 (810)	51,689 (47,886)	6,721
Singapore	26,683 (26,424)	894 (931)	891 (905)	729 (918)	848 (609)	698 (806)	1,392 (1,201)	147 (227)	6 (1)	32,457 (32,368)	92
Japan	7,245 (5,562)	503 (1,158)	435 (908)	330 (376)	144 (478)	219 (265)	693 (290)	374 (456)	357 (307)	10,261 (10,122)	664
Macau	7,097 (6,781)	0 (110)	0 (69)	8 (82)	3 (121)	...6 (88)	0 (77)	0 (182)	0 (148)	7,127 (7,702)	15
Korea Rep.	682 (665)	45 (12)	186 (33)	131 (125)	21 (176)	90 (35)	193 (94)	0 (4)	0 (85)	1,348 (1,237)	149
Others	2,757 (3,529)	44 (30)	44 (0)	357 (49)	25 (16)	0 (20)	0 (5)	0 (0)	0 (0)	3,227 (3,649)	0
TOTAL:	519,815 (493,290)	24,865 (32,155)	22,214 (25,192)	19,538 (22,633)	28,096 (21,337)	45,530 (25,372)	71,364 (25,691)	30,936 (21,786)	22,422 (21,295)	794,801 (730,037)	87,970

³⁹ Office of the United Nations High Commissioner for Refugees, Geneva, "Statistics on Indo-Chinese, III. Arrivals in and Departures from Countries of First Asylum, Figures as of 30 November 1991," (cover page); and "Office... As of 31 May 1992, Regional Total," no page reference; and "UNHCR... As of 31 May 1992, Regional Total," (unnumbered); and "Statistics Concerning Indo-Chinese in East and South East Asia for the Month of December 1992," UNHCR, Geneva, January 1993, Table II, (unnumbered).

Note: The cumulative totals of refugees resettled from Macao and "Others" apparently includes people processed for resettlement whose arrival was counted in the totals of other first asylum countries. The 1992 figures for Thailand do not include 2,174 Vietnamese "land" refugees.

As the number of refugees coming to Malaysia rapidly increased, the Malaysian government responded by announcing in April 1988 that it would close its primary UNHCR camp on the island of Pulau Bidong within a year and would consider any refugees arriving after that to be "illegal immigrants" who were subject to being pushed back or deported.⁴⁰ In May alone, about 2,000 Vietnamese arrived on Malaysian territory; and by mid-June, the Pulau Bidong camp held about 11,000 refugees and another camp at Sungei Besi reportedly had reached its capacity of 3,000. The authorities warned that they, like other countries of first asylum, would ignore their past commitment to the UNHCR against *refoulement* and would begin pushbacks in July if the rate of refugee arrivals remained high.⁴¹

Hong Kong also experienced a dramatic upsurge in the number of Vietnamese boat arrivals, with no assurances that resettlement opportunities outside of the region would be expanded: During the first five months of 1988, more than 5,000 refugees arrived at the Colony, eleven times the rate for the same period the previous year; and this resulted in a total camp population of about 14,000,

⁴⁰ *Ibid.*

The Malaysian Prime Minister, during a visit to Hanoi in August, was reported to have secured an agreement whereby Vietnam would accept the voluntary repatriation of 10,000 boat people in Malaysian camps. *Washington Post*, 30 August 1988; cited in USCR *Refugee Reports*, 9, no. 9 (9 September 1988): 7.

In December, as a result of representations by the UNHCR, the Malaysian foreign ministry announced that the Pulau Bidong camp would be phased out over a two-year period and that new arrivals would be permitted to be screened for refugee status under UNHCR supervision, instead of being pushed back or arbitrarily detained. USCR *World Refugee Survey*, 1988 In Review, 52.

⁴¹ USCR *Refugee Reports*, 9, no. 6 (24 June 1988): 7.

the highest level since 1981.⁴² The Colony's authorities responded to this development by announcing, on June 15, that henceforth all arriving Vietnamese must prove their claim to refugee status or face detention as illegal aliens and eventual repatriation to Vietnam.⁴³

New Approaches to the Boat People Problem

During May 25-28, 1988, representatives from the ASEAN states, including Brunei, met in Cha-Am, Thailand to participate in a seminar on the refugee crisis, sponsored by the Ford Foundation. In a statement issued at the close of the seminar, the delegates agreed that "Immediate action is required by the international community to respond with a greater sense of urgency to what amounts to the

⁴² "Even as arrival rates skyrocket in Hong Kong, overseas resettlement offers continue to dwindle. In 1980 more than 37,000 Vietnamese were resettled from Hong Kong. Last year, only 2,212 were accepted. In the first eight months of 1988, resettlement offers have been extended to 1,768 boat people. More than 3,500 people have been in camps for at least three years, and 900 for more than seven.

"Part of the slowdown, at least for the United States, is due to the fact that an increasing percentage of arrivals come from northern Vietnam, and lack overseas ties. Northerners comprise about 70 percent of the outflow (according to a U.S. refugee official). Of these, only about 15 percent have even distant relatives in the United States...

"... Since 1982, the United States has imposed a virtual moratorium on admissions of refugees... without previous U.S. ties." *Ibid.*, 9, no. 9 (9 September 1988): 10-11.

For a detailed and harsh critique of the screening procedures in Hong Kong, see Lawyers Committee, *Inhumane Deterrence: the Treatment of Vietnamese Boat People in Hong Kong*, (New York: LCHR, 1989): especially, 20-33; and Daniel Wolf, "A Subtle Form of Inhumanity: Screening of the Boat People in Hong Kong," *International Journal of Refugee Law* (special issue, September 1990): 163.

⁴³ *Ibid.*, 6-7.

On September 20, the Hong Kong authorities signed a memorandum with the UNHCR, in which they pledged to carry out the screening of asylum seekers in accordance with UNHCR guidelines and to allow the agency to monitor screening procedures and provide legal advice to those who required it. The authorities also agreed to a request to improve living conditions for detainees. *USCR World Refugee Survey, 1988 In Review*, 51-2.

gravest Indochinese refugee crisis since 1979."⁴⁴ In July, the ASEAN foreign ministers took up the matter at their annual meeting. They called upon Vietnam to take "effective action" to stem the refugee flow and repeated the demand for another international conference under United Nations auspices to attempt once again to resolve the crisis.⁴⁵

The UNHCR responded to the demands of ASEAN by sponsoring a conference of twenty-eight nations, including Vietnam and Laos, which met in Kuala Lumpur on March 7-9, 1989. The stated purpose of the meeting was to draft a plan of action which would implement proposals, such as those raised at the ASEAN seminar. In the meantime, the UNHCR reported a dramatic increase

⁴⁴ The delegates agreed that "(d)iscouraging future outflows of refugees is of fundamental importance" and insisted that pressure "be exerted by all concerned on Vietnam to recognize the humanitarian consequences of the outflow." They pointed out that, while the "continuing commitment of the international community on resettlement is the crucial element in the maintenance of first asylum for Vietnamese boat people," the possibility of resettlement may itself "compound the problem by encouraging non refugees to leave their country of origin."

The delegates recommended that the first asylum countries be given more "predictable and multi-year resettlement guarantees," that region-wide screening procedures be established and that those determined not to be bona-fide refugees be held in a "central regional UNHCR holding center" until they could be repatriated "in accordance with international law and established UNHCR procedures." They also suggested that "A commitment be sought from Vietnam on a moratorium on organized illegal departures, as as to abide by the obligation to accept the return of its own citizens."

They urged the UNHCR and the international community to "exert greater effort to actively negotiate voluntary repatriation agreements with Vietnam" and to promote an expansion of the Orderly Departure Program so that it could become "the primary mode of departure and eventually the sole avenue for resettlement." They also proposed that another international conference on the Indochinese refugees be held soon "in light of the changed circumstances since the 1979 Geneva Conference, and consequently the need for new approaches." *USCR Refugee Reports*, 9, no. 6 (24 June 1988): 9.

⁴⁵ Frost, 15.

in the number of pirate attacks on refugee boats throughout the region.⁴⁶

During the conference, the members of ASEAN announced that they had jointly decided that they would regard all Vietnamese seeking asylum after March 14, 1989 as not being automatically entitled to resettlement in third countries. Instead, the status of these asylum seekers would be determined by means of screening requirements to be formulated at a forthcoming U.N. conference on the Indochinese refugees to be held in Geneva on June 13-14.

The ASEAN delegates also repeated the recommendation that those asylum seekers who were screened out as unqualified for refugee status and who refused repatriation be placed in regional holding centers run by the UNHCR. A Thai delegate observed that "The preference of the ASEAN states is to have the holding centers outside of their territories... to reduce domestic discontent about the presence of large numbers of refugees."⁴⁷

⁴⁶ The agency indicated that the number of rapes and abductions of Vietnamese refugee women doubled from 1987 through 1988. Over 500 women were reported killed or missing during 1988 - a five-fold increase over the previous year. *Ibid.*, 10, no. 5 (19 May 1989): 11.

A few weeks after the conference, the international news media reported on what a U.N. official described as one of the worst incidents of piracy ever recorded: Only one man was said to have survived a pirate attack on a boat with 130 refugees off the coast of Malaysia (17 April 1989). *New York Times*, 7 May 1989; cited in *ibid.*

⁴⁷ *Ibid.*, 10, no. 3 (17 March 1989): 5.

Instead of serving as a deterrent as it was intended, the March 14 cutoff date apparently inspired a "last-chance mentality" on the part of potential asylum seekers. In March, there were 2,800 new arrivals in Malaysia alone; and during April, the number of boat people coming to Malaysia increased to 3,400.

From May through July, more than 23,000 boat people arrived in Hong Kong, nearly doubling the number of people in the camps. USCR *World Refugee Survey, 1989 In Review*, 55, 53.

The Comprehensive Plan of Action (1989)

At the opening session of the Geneva Conference on June 13, the British Foreign Secretary, Sir Geoffrey Howe, informed the delegates that 9,200 boat people had arrived in Hong Kong during the month of May and that an additional 2,300 had come in the first three days of June, creating an "intolerable" situation for the Colony. He issued a formal demand for the forced repatriation of the Vietnamese beginning no later than October.

The British demand was seconded by the Australian delegate and was opposed only by the United States and Vietnam: The U.S. representative, Deputy Secretary of State Lawrence Eagleburger, stated that "Unless and until dramatic improvements occur in (Vietnam's) economic, social and political life, the United States will remain unalterable opposed to the forced repatriation of Vietnamese asylum seekers." The Vietnamese Foreign Minister, Nguyen Co Thach, indicated that his government would "reject resolutely all forms of coercion" and pointed out that "coercion constitutes a violation of the Declaration of Human Rights and could only bring on unforeseeable consequences."⁴⁸

By the end of the Conference, the delegates had agreed to a "Comprehensive Plan of Action" (CPA), according to which the countries of first asylum pledged to provide "temporary asylum" to all asylum seekers. All of the parties concerned were to encourage the voluntary repatriation of those asylum seekers who were not deemed eligible for resettlement; and it was stipulated that "If,

⁴⁸ USCR *Refugee Reports*, 10, no. 6 (16 June 1989): 8.

after the passage of reasonable time, it becomes clear that voluntary repatriation is not making sufficient progress towards the desired objective, alternatives recognized as being acceptable under international practices would be examined." In particular, the Plan envisaged the establishment of a "regional holding centre under the auspices of the UNHCR," where persons would be held pending their eventual return to their country of origin.⁴⁹ Eventually, three centers were established - at Galang in Indonesia, Bataan in the Phillipines and Nakhom Phanon in Thailand.

Hong Kong's Experiment in Forced Repatriation

During the months following the Conference, the boat people migration continued unabated. As indicated in Table 1, Hong Kong received a net increase of almost 30,000 boat people during 1989; Thailand, 7,000; Malaysia, almost 6,500; Indonesia, almost 5,000; and the Philippines, almost 4,500. The figures indicated that a majority of the asylum seekers were taking a northern route, "skirting China's seacoast or travelling its southern roads to Hong Kong."⁵⁰

⁴⁹ The text of the declaration of the Comprehensive Plan of Action, with minor deletions, may be found in the *International Journal of Refugee Law*, 2, no. 4 (1990): 574-581.

⁵⁰ USCR *World Refugee Survey, 1989 In Review*, 59.

"Any number of reasons have been proposed for the continued exodus, ranging from political and economic to sociological and personal.

"Along with the continued, often involuntary, movement of people to 'new economic zones' (the government has relocated more than 3.5 million people within Vietnam since 1975), there was a crackdown on dissent late in the year, as hard-liners in the government struck preemptively to discourage the sort of pro-democracy movements that swept Eastern Europe and, closer to home, were swept away in China and Burma.

"The Vietnamese economy remained in desperate shape. Inflation

During 1989 a total of 4,754 refugees were taken out of Hong Kong for resettlement. By the end of the year, 7,278 other boat people in Hong Kong had been screened: Of these 818 were determined to be bonafide refugees and 6,460 were found to be non-refugees. About 800 of the boat people returned to Vietnam voluntarily and more than 2,000 had indicated an intention to do the same.⁵¹

Owing to the slow pace of both resettlement and repatriation, the Hong Kong authorities decided to resort to desperate measures: In the early morning hours of December 12, 1989, they forced fifty-one Vietnamese on a chartered plane and flew them back to Vietnam. This marked the first time in the fifteen year history of a migration totalling at least 1.5 million people, that any of the Vietnamese asylum seekers had been forcibly returned to their homeland. British Foreign Secretary Douglas Hurd stated that the forced return was designed as a deterrent "to show people who may even now be planning to come in the spring, when the winds change and the season begins, that it is not a happy voyage."⁵²

Following a flood of protests from the international community, including representations from the U.S. government and Congress, the European Parliament, and Pope John Paul, the Hong Kong authorities agreed that additional involuntary repatriations

has averaged about 700 percent in recent years, and unemployment stood at 20 percent in most urban areas. The country's infrastructure is in shambles, and poverty is widespread.

"The desire to reunite with family members and friends overseas also remained a strong incentive to leave Vietnam." *Ibid.*, 58-9.

⁵¹ USCR *Refugee Reports*, 11, no. 1 (31 January 1990): 8.

⁵² *Ibid.*, 10, no. 12, 29 (December 1989): 1.

would be postponed indefinitely. Owing to the high level of opprobrium which attached to Hong Kong's limited effort at forced repatriation, neither it nor any other country of first asylum has repeated the experiment to date.

A Return to the "Pushback" Policy

While all of the members of ASEAN had agreed at the Geneva Conference to grant asylum to arriving boat people, there were persistent reports after the Conference that, owing to the continued high rate of boat arrivals, Malaysia, in particular, had reverted to her 1979 policy of pushing incoming boats back out to sea. The UNHCR estimated that the Malaysians had pushed back at least 3,400 refugees during 1989.⁵³

The Malaysian authorities continued to deny that they were pushing back asylum seekers. Nevertheless, reports of pushbacks persisted and U.S. refugee officials estimated that, by early 1990, more than 65 percent of all incoming boats were being stopped, reprovisioned with food and fuel, and redirected to Indonesia.⁵⁴

⁵³ Though 10,894 Vietnamese had been taken from the camps in Malaysia and resettled abroad during 1989, with 5,526 going to the United States, a total of 16,718 new boat people arrived during the same period, including 12,407 who came after the March 14 deadline agreed upon by the ASEAN states at Geneva. By the end of the year, 20,475 asylum seekers were being held in camps at Pulau Bidong, Sungei Besi, and Marang. *Ibid.*, 11, no. 1 (31 January 1990): 10-11.

⁵⁴ Lionel Rosenblatt, "Pushed out to Sea by Malaysia" *Washington Post*, 22 May 1990.

Mr. Rosenblatt, a former U.S. foreign service officer assigned to the U.S. refugee program in Thailand and currently the president of Refugees International, a private refugee advocacy group, visited the Pulau Bidong and Sungei Basi camps and interviewed dozens of boat people during April-May, 1990. He also conferred with officials of the UNHCR and the U.S. Embassy in Kuala Lumpur about the boat people problem. *USCR Refugee Reports*, 11, no. 5 (18 May 1990): 1.

By May, there were reports that the Malaysians were no longer providing the boats with food and fuel, but were merely pushing them back and even misdirecting them so that an unknown number were lost at sea.⁵⁵

While the Malaysian government never admitted that it had adopted a pushback policy, the UNHCR representative in Kuala Lumpur called upon it to "refrain from precipitous measures, particularly relating to first asylum, for failure to do so would be detrimental to all concerned parties." This was followed a few days later by an announcement from the U.S. State Department, indicating that the United States had "vigorously protested the denial of first asylum to Vietnamese at all appropriate government levels of the Malaysian government." A Malaysian spokesman replied by reiterating his country's commitment to the Comprehensive Plan of Action and the principle of temporary asylum.⁵⁶

Notwithstanding these assurances, reports continued of pushbacks of refugee boats by Malaysian naval and maritime police patrols; and, as a consequence, Malaysia came under intense criti-

During May 1990 alone, 3,787 boat people were reported to have arrived at the Indonesian island of Galang and, by the end of the year, the boat population in Indonesia had risen threefold to 20,500. Authoritative observers agreed that the primary reason for this substantial increase in boat people was Malaysia's pushback policy. The situation in Indonesia grew even more difficult and complicated by the arrival of about 1,800 boat people from Cambodia during the year. *USCR World Refugee Survey, 1990*, 62.

⁵⁵ "Since May 1989, with little warning or fanfare, Malaysian authorities have been pushing boatloads of Vietnamese asylum seekers back out to sea. A total of 6,577 people subsequently turned up in Indonesia. Six deaths are known to have resulted from pushback incidents, and many more are feared." *Ibid.*, 6.

⁵⁶ *Bangkok Post*, 16 July 1990; and *Nation Review*, 16 July 1990.

cism within the world community.⁵⁷ As part of this protest, a bill was introduced in the U.S. Congress which would withdraw the \$1 million U.S. military aid program for Malaysia and end duty-free privileges for that country under the Generalized System of Preferences, pending a change in Malaysia's clandestine policy. The U.S. State Department, however, reportedly assured the Malaysians that the United States would not link its aid, trade, and other commercial policies to Malaysia's policy towards the boat people.⁵⁸

The punitive bill remained blocked within the Congress, but congressional opponents of the pushback policy were able to get Malaysia included on a list of countries prohibited from receiving U.S. funds for military training.⁵⁹ Notwithstanding the threat of additional sanctions, however, Western diplomats in Kuala Lumpur estimated that the Malaysians had pushed back more than 12,000 Vietnamese during 1991, most of whom ended up in Indonesia.⁶⁰

⁵⁷ The bill was jointly sponsored by Rep. Duncan Hunter (R-CA) and David Dreier (D-CA), who also called upon the World Bank and the International Monetary Fund to suspend multilateral loans to Malaysia, pending a change in her pushback policy.

Malaysian Prime Minister, Mahathir Mohamad condemned the proposed bill as "a threat which Malaysia would not succumb to." He insisted that "Malaysia has the right to decide who enters the country, and who can't" and vowed that "We will not bow to such imperialist tactics."

The Malaysian leader also observed that "America is solely responsible... They (sic) withdrew from Vietnam. The refugees had to come here because of them." He noted that his country had already borne the burden of accepting "nearly a quarter million" of the boat people since 1975 and indicated that it was willing to accept a million if the United States were to guarantee that every one would be "here in transit, en-route to America." *Ibid.*

⁵⁸ *Nation Review*, 17 July 1990.

⁵⁹ The prohibition language was included in the Foreign Operations Appropriations Bill (P.L. 101-513), signed by President Bush on November 5, 1990. The other countries prohibited from receiving such aid were Zaire, Liberia, Sudan and Somalia. USCR *Refugee Reports*, 11, no. 11 (30 November 1990): 13-14.

⁶⁰ *Ibid.*, 12, no. 12 (30 December 1991): 3.

The Involuntary Repatriation Issue

Since the endorsement of the Comprehensive Plan of Action by the Geneva Conference of June 1989, the United States had consistently opposed the involuntary repatriation of boat people. On May 17, Malaysia and other countries of first asylum met in Manila and issued a statement which charged that the failure to reach a consensus on the involuntary return of asylum seekers who had been deemed ineligible for resettlement, constituted a "selective implementation" of the terms of the CPA, a tactic which absolved them of the responsibility to honor their commitments under the Plan.

The statement called on Vietnam to take more effective measures to stop illegal immigration and to promote an expansion of the Orderly Departure Program. In a remark clearly aimed at the United States, the conferees noted that any country which opposes involuntary repatriation must offer "an effective intermediate solution, such as the setting up and financing on its own territory of a regional holding center for all non-refugees." In the absence of such a solution, the first asylum countries would retain "the right to take

"At the beginning of 1991, Indonesia hosted a population of 20,500 refugees and asylum seekers, including 18,700 Vietnamese and 1,800 Cambodians. By year's end, the refugee population had declined slightly to 18,700, as the new arrivals numbered only 1,200, the lowest annual total in the 15-year history of the Vietnamese exodus to Indonesia. More than 2,200 Vietnamese, meanwhile, were resettled in third countries and another 1,200 voluntarily repatriated.

"Within the framework of the Comprehensive Plan of Action... Indonesian immigration officials had interviewed 6,770 Vietnamese for refugee status at the end of 1991, of whom 2,220 had been screened in and were permitted to seek resettlement in another country..., 4,190 were screened out and 360 cases were awaiting a decision." USCR *World Refugee Survey*, 1991, 61.

such unilateral action as they deem necessary to safeguard their national interests, including the abandonment of temporary refuge." The conferees also indicated that they had set a date of July 1, 1990 for implementing the involuntary return of all screened-out applicants for refugee status.

The British government endorsed the statement and proposed that the United States establish a holding center on Guam to take in some 9,000 Vietnamese in Hong Kong who had been screened out for resettlement. The U.S. government replied that "a holding center on U.S. territory would create a powerful magnet effect and would thereby undermine a major aspect of the CPA, which is to encourage the screened out, after a reasonable time, to return to their country of origin."⁶¹

The first asylum countries allowed their July 1 deadline to lapse, but were able to cause a postponement of a international conference on the boat people, which had been scheduled for July 16-17, on the grounds that the intransigent stand of the United States against forced repatriation made it unlikely that anything of consequence could be gained from the meeting.⁶² In a gesture of conciliation designed to help salvage the CPA, U.S. Secretary of State James Baker announced that, while the United States would continue to oppose forced repatriation, it would accept a UNHCR formula, first suggested by the British, that asylum seekers who did not *object* to repatriation could be returned to Vietnam. The Secretary also indicated that the U.S. government was "willing to

⁶¹ USCR *Refugee Reports*, 11, no. 5 (18 May 1990): 7-8.

⁶² *Facts on File*, July 1990, 568.

join with others in a new best effort to resettle or return all asylum seekers by the end of 1992."⁶³

As part of their effort to garner support for the repatriation of screened out asylum seekers, the British entered into negotiations with Vietnam and, on September 1, 1990, it was announced that representatives of Britain, Hong Kong, the UNHCR and Vietnam had agreed upon "the modalities of repatriating those who, while not volunteering to return, are nevertheless not opposed to going back." The UNHCR was to have the responsibility of ensuring that no one was coerced into participating in the repatriation process.⁶⁴ On December 1, twenty-three of the "non-objectors" were taken from a camp in Hong Kong and flown to Hanoi.⁶⁵

The publicity surrounding the issue of forced repatriation, reports of growing difficulties encountered by vessels who picked up boat people at sea,⁶⁶ the persistent accounts of pushbacks by Malay-

⁶³ USCR *Refugee Reports*, 11, no. 9 (28 September 1990): 13.

By this time, there were 54,341 Vietnamese boat people in Hong Kong, of whom 10,272 had refugee status, 11,294 had been screened out, and 32,775 were awaiting screening. *Ibid.*

⁶⁴ *Ibid.*, 12-13.

⁶⁵ USCR *World Refugee Survey*, 1991, 62.

⁶⁶ "...Asylum countries in Southeast Asia - including Thailand, Malaysia, Indonesia, Hong Kong, and the Philippines - are delaying disembarkation requests until they can be sure the boat people will be resettled or repatriated promptly. And because merchant ships are finding it harder to drop people off... they are increasingly reluctant to pick them up in the first place, not when delays can cost anywhere from \$10,000 to \$90,000 per day.

"... In the last ten years, a total of 678,400 boat people have been rescued and many have been resettled through DISRO (the Disembarkation Resettlement Offers) and its companion, the RASRO Program. But in the last year, both programs essentially ceased to function." USCR *Refugee Reports*, 15, no. 10 (26 October 1990): 10-11.

In effect the CPA had "severed the link" between rescue at sea and automatic resettlement by requiring that boat people rescued at sea must undergo screening for refugee status like all other asylum seekers. Consequently, there was a sharp drop in the number of merchant and naval vessels picking up refugees: During July-September 1990, only seven boats and 179

sia and other first asylum countries, and the decline in the rate of resettlement of boat people (25,700 in 1989, 21,700 in 1990, and about 19,400 in 1991) appear to have combined to discourage many potential boat people from leaving Vietnam. The number of arrivals throughout Southeast Asia declined from 71,400 in 1989 to 30,900 in 1990, and about 22,000 during 1991.

The UNHCR Voluntary Repatriation Program

On December 18, 1988, the UNHCR announced that it had reached an agreement with the Vietnamese government to establish a program which would facilitate the repatriation of boat people, ensure their protection against prosecution for having left their country illegally, and assist them in returning to a normal life as quickly as possible. The UNHCR was to offer training in such skills as sewing, typing, mechanical and electrical repair to help returnees earn a living. In addition, it offered an incentive payment of \$30 per month to each returnee for a period of one year.⁶⁷

The training and financial incentives offered by the UNHCR were soon to be supplemented by an ambitious program of the European Community (EC) to provide job opportunities, vocational training, social services, and infrastructural development in areas where the returnees were to be concentrated. The EC provided \$12

people were rescued, compared to 37 boats and 2,356 people during the same period the year before. *Ibid.*, 10.

⁶⁷ The payment was made in local currency through the Vietnamese Ministry of Labor and was considered "a generous sum in a country where the per capita Gross National Product amounts to just \$175." UNHCR *Refugees*, no. 84, April 1991, 24.

million for a six month pilot project beginning in July 1990 and later agreed to extend the program for three years at a cost of up to \$125 million. The thrust of the program, as one EC official put it, is to ensure that "all those who do not qualify for resettlement can return home to better living conditions."⁶⁸

The voluntary repatriation program was initiated on March 2, 1989, when a group of seventy-five Vietnamese were flown from Hong Kong to Vietnam. By the end of the year, almost 900 had been repatriated. A total of 4,300 were voluntarily repatriated in 1990 and 10,200 during 1991.⁶⁹

During 1991, a total of about 22,300 new boat people arrived in first asylum countries, the smallest number since 1986. Over 19,000 refugees were resettled in third countries during the year, leaving a total population of about 98,000 in camps throughout Southeast Asia. At the same time as these developments were occurring, the process of legal immigration from Vietnam, the Orderly Departure Program, also expanded markedly from a total of 43,200 Vietnamese in 1989 to 70,400 in 1990, and over 100,000 in 1991, with the United States taking in about 70,000 Vietnamese

⁶⁸ *Ibid.*

⁶⁹ USCR *World Refugee Survey, 1989 In Review*, 59; *ibid.*, 1991, 67; and *ibid.*, 1992, 66.

The British have maintained that of the more than 13,000 Vietnamese who returned voluntarily from Hong Kong during 1989 to 1992, none had suffered persecution. Human rights groups, however, have contested this claim. One such group, Asia Watch, has charged that returnees have been subjected to interrogations, surveillance, job discrimination, fines, and extortion by local Vietnamese officials. *Ibid.*

during 1991 alone.⁷⁰

⁷⁰ *Ibid.*

From FY 1980 through FY 1991, a total of 201,447 ODP participants came to the U.S.A. and 128,000 to other third countries. USCR *Refugee Reports*, 12, no. 12 (30 December 1991): 5. As of the end of May 1992, a total of 348,161 Vietnamese have been taken out of Vietnam under the Orderly Departure Program, including 218,956 who were settled in the United States, 40,226 in Canada, 36,703 in Australia, and 18,447 in France. "Office of the United Nations High Commissioner for Refugees, Geneva, IV. Orderly Departures from the Socialist Republic of Vietnam, A. Vietnamese," (no page reference).

Chapter VI: Thailand and the Vietnamese Refugees

As noted above, soon after the conquest of South Vietnam by the communists, Thailand's leaders moved to expand diplomatic and commercial ties with the victorious North Vietnamese. They were especially interested in re-initiating the negotiations, which had been broken off in 1964, to repatriate the tens of thousands of Vietnamese who had found asylum in Thailand during the French Indochina War.

The Thais regarded the arrival of additional thousands of Vietnamese refugees who fled their homeland to escape communist rule as a serious threat to the repatriation negotiations; and they feared that, regardless of how they disposed of these anti-communist refugees, they might be giving the militant communist regime in Vietnam a pretext for future aggression against Thailand.

With the conquest of Cambodia by Vietnamese forces early in 1979, Thailand's efforts to achieve a rapprochement with Vietnam were put on hold as the country's leaders sought support from the United States, Japan, ASEAN allies, and other friendly states to force a Vietnamese withdrawal. The breakdown of authority within Cambodia permitted the exodus of additional thousands of Vietnamese civilians and military deserters to cross the border into Thailand, while even larger numbers of Vietnamese continued to come to Thailand by sea.

In order to discourage the arrival of new boat people, the RTG decided to tighten restrictions on the "old" Vietnamese refugee community. In July 1979, the Thai parliament passed legislation

which banned members of the community from engaging in twenty-seven occupations without official permission.¹

The Vietnamese "Land" Refugees

Initially, the Thais herded those Vietnamese civilians and deserters entering Thai territory from Cambodia into the detention centers which had been established for Khmer asylum seekers along the border. In 1980, however, following reports that they were being victimized by Khmer guerrillas within the centers, the RTG opened a special camp for the Vietnamese, named NW9. By mid-1981, the Vietnamese in the camp numbered about 4,000.²

¹ *Bangkok Post*, 24 July 1979.

The jobs affected included bicycle repairing, carpentry, welding, goldsmithing, laundering, livestock raising, sawmill operating, photography, construction work, and auto repairing. In addition, the legislature increased the "employment fee" required of the Vietnamese from (\$20 to \$60) per year. *Nation Review*, 2 August 1979.

In late 1982, there were reports that some 1,600 Vietnamese were "missing" from the northeastern provinces, apparently to seek jobs in other areas of the country. Thirty-four were arrested and most of the rest returned voluntarily after a stern warning by local authorities and the promise that no legal action would be taken against them. The police chief of Muk Daharn Province stated that the refugees "escaped from the province partly because they are not allowed to take up some particular jobs under the law."

The police chief also noted that as a long-term solution to the problem of the Vietnamese refugees, their children should be entitled to Thai citizenship, noting that "There are many Vietnamese who love the country as much as the Thais do. They always consider themselves Thais." *Ibid.*, 6 November 1982.

Refugee children born in Thailand were denied citizenship, as were children of marriages between Vietnamese and Thai nationals "in accordance with Announcement No. 337, issued by the now defunct National Executive Council in 1971." *Bangkok Post*, 3 June 1982.

In September 1982, in an unprecedented ruling, the Thai Appeals Court held that Interior Ministry orders, dating from 1953 and 1958, which prohibited marriage between Vietnamese refugees and Thai nationals, were illegal and unenforceable, in the absence of enabling legislation. *Bangkok Post*, 21 September 1982

² *FEER*, 29 July 1979, 14.

In order to ensure the protection of the Vietnamese, the RTG agreed that immediately after their arrival in Thailand, they would be escorted to NW9 by

As the number of both land and sea refugees increased, the RTG announced, in May 1981, that in conformity with its "humane deterrence" policy, NW9 would be closed to all new arrivals.³ All newcomers were to be held, without the possibility of resettlement, in three austere facilities: the Sikieu detention center near the central plain city of Nakhon Ratchasima; the NW82 camp, described by relief officials as "an exposed and extremely spartan barbed wire enclosure" on the Thai-Khmer border; and the Phanat Nikhom holding center, southeast of Bangkok.⁴

Charges in the international news media that the Vietnamese were being held under inhumane conditions had the dual effect of discouraging additional arrivals and pressuring the United States and other countries to take the refugees out of Thailand at a faster rate.⁵ In January 1983, after a year of lobbying by the ICRC, the

Red Cross officials and kept under constant guard by both Red Cross volunteers and Thai troops. *Ibid.*

"The ICRC, which has often taken more courageous positions than UNHCR, did act vigorously to protect the Vietnamese. ICRC delegates lived twenty-four hours a day for eighteen months with them on the border and conducted arduous negotiation, in particular with Squadron Leader Prasong Soonsiri, the director of the National Security Council, on their behalf. Eventually ICRC managed to obtain Prasong's agreement to the movement of thousands of Vietnamese off the border, on condition that they were at once resettled abroad..." Shawcross, 410.

³ Sylvana Foa (UPI), "Land people' lives in danger," *Bangkok Post*, 28 June 1981.

⁴ By the end of 1981, only 812 Vietnamese land refugees were being detained, compared to 4,991 Vietnamese boat people. "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand, As of 30 November 1991, Statistics of Indo-Chinese Refugees, II. Population Summary by Ethnic Group," p. 3.

By the end of 1982, the number of land refugees had grown significantly: Some 7,000 were being held at Sikieu, 1,900 at NW82, and about 700 at Phanat Nikom. *Nation Review*, 23 December 1982.

⁵ U.S. Representative Harold S. Sawyer (D:MI) visited NW82 and indicated that he was "horrified" by the overcrowded conditions. He reported that 2,000 people had been crowded into a camp which had been designed for 800 and charged that the detainees were being mistreated by the Thai guards. *Ibid.*

United States and other friendly governments and private relief agencies, the RTG relented on its policy of refusing resettlement opportunities for the 1,900 refugees then at NW82. NSC Secretary General Prasong indicated that NW82 would be closed once all eligible refugees had been resettled and that all those who remained would be held in the Khmer border camps which were, at the time, technically outside of the responsibility of the Thai government.⁶ Later, in May 1985, the RTG again relaxed its policy by agreeing to permit the resettlement of about 500 Vietnamese army deserters and escapees from communist "re-education" camps who had managed to find sanctuary in Thailand.⁷

The UNHCR has reported that during the period, April 1975 through December 1992, a total of 36,041 Vietnamese land refugees

One observer noted at the time that "Thai officials have given no indication how long they will maintain the ban on moving Vietnamese and Lao eligible for resettlement, but obviously, if humane deterrence is to be successful, prospective refugees have to get the message that they must be prepared for hard times over a protracted period. Paradoxically, the negative publicity over NW82 in particular, which has so far led to the temporary expulsion of one Western journalist (*FEER*, July 23), has served that purpose." *FEER*, 22 October 1982, 48.

⁶ The new policy affected only the asylum seekers at NW82. Some 600 Vietnamese held at "exposed sites" along the border were to remain where they were. William Branigin, "Thailand Relents, Allowing Resettlement Abroad of Vietnamese Refugees," *Washington Post*, 14 January 1983.

⁷ *FEER*, 24 July 1985, 18.

For security reasons, the RTG has been very cautious about revealing information pertaining to the deserters. However, in May 1986, a group of Thai scholars from Chulalongkorn University were permitted to undertake a survey of deserters then being held by the RTG. The scholars noted that, prior to 1980, there was no record of deserters who had entered Thailand, but that, from January 1980 through April 1986, 1,051 men were recorded, including 516 who were still under detention at the time of the study.

The scholars found that "One of the most obvious reasons for the Vietnamese soldiers to desert was connections abroad. Forty-nine of the 75 deserters interviewed said they had relatives or someone that they could depend on living outside of Vietnam." Institute of Asian Studies, *Research Report on the Vietnamese Army Deserters*, Asian Studies Monograph no. 037, (Bangkok: Chulalongkorn University, July 1987): 9, 16, 63.

had been resettled outside of Thailand. It also reported that as of the end of 1992, 2,037 land refugees had been repatriated voluntarily and that only 278 remained in UNHCR camps, with some 2,616 others being held in detention centers⁸

The Vietnamese "Boat People"

Among the states of Southeast Asia, Thailand has received about 16 percent of the total boat people migration, fewer than Malaysia (32 percent) and Hong Kong (24 percent). Nevertheless, owing to the presence of large concentrations of Vietnamese troops along the Thai-Khmer frontier following the occupation of Cambodia, Thai authorities viewed the influx of Vietnamese boat people as an extremely serious threat to the country's security; and, as a consequence, they pressured the United States, France, and other friendly nations to give even greater priority to resettling Vietnamese, with the result that many of the boat people were taken out of Thailand ahead of Khmer and Laotian refugees who had entered the country years earlier by land.⁹

⁸ "Statistics Concerning Indo-Chinese in East and South East Asia for the Month of December 1992, UNHCR, Resettlement Section, Geneva, January 1993, (unnumbered)

⁹ See *FEER*, 21 April 1978, 23.

"In practice, the Americans have tried to pick up all the Vietnamese 'boat cases' - about two-thirds of those coming in - who were not given asylum elsewhere. The previous immigration guidelines of 'close connection' with the U.S. through either work or family were relaxed in the case of boat people but not for the overland migrants from Laos and Cambodia. Nonetheless, the U.S. absorbed about one-third of the 3,000 Lao and Khmer immigrants who entered Thailand each month during (the six-month period prior to April 1978)." *FEER*, 21 April 1978, 23.

In April 1981 Secretary General Prasong reportedly received a pledge from U.S. Ambassador Morton Abramowitz that the United States would receive for resettlement all incoming boat people "within 30-45 days" of their landing in Thailand. *Bangkok Post*, 19 April 1981.

During 1980, about 26,500 boat people arrived at Thai ports, an increase of over 10,000 compared to the previous year. About 25,600 Vietnamese were resettled, leaving a camp population of 9,500, a net increase of about 200 compared to the end of the previous year. The lack of progress in reducing the camp population prompted the Thai authorities to follow Malaysia's hard-line policy by announcing in December 1980 that they would henceforth forcibly repel all incoming boats of asylum seekers. Authorities in the maritime provinces warned Thai fishermen not to aid the refugees and, according to one report, several fishermen who assisted refugees to come ashore were given three-day jail sentences.¹⁰ The Royal Thai Navy also warned fishermen to exercise "extreme caution" in their contacts with the refugees because of "indications" that they were hijacking Thai trawlers.¹¹

¹⁰ *Time*, 9 November 1981, 56.

¹¹ "At a press conference held at the Supreme Command, Captain (RTN) Vinich Tapasanant, Secretary of the Navy, recalled the robbery of a Thai trawler, the *Tor Laksana*, (on Jan. 12) by... Vietnamese refugees off Pak Phanang coast in which five Thai crewmen were drowned, and said piracy by the refugees was increasing.

"Reports from many coastal provinces highlight growing concern among Thai fishermen over increasing assaults by boat people, some armed with sophisticated weapons.

"In the past two weeks, four Thai fishing trawlers from two southern provinces have been seized by Vietnamese refugees and a number of Thai fishermen killed and wounded.

"A week earlier, a Thai trawler in Trat Province also was seized by refugees and later found abandoned at sea in Pattani Province." "Boat hijacks rife: Navy warns fishermen of attacks by refugees," *Bangkok World*, 21 January 1981.

"The President of (the) Pattani Fishery Association... told the (*Bangkok Post*) that the boat people have adopted a new tactic of hijacking Thai trawlers and using them to rob other vessels for food and petrol.

"He claimed that in the past two weeks three Thai fishing boats were commandeered in this manner and six crew members were missing - either killed while resisting the boat people or drowned.

"He called on the Navy to step up its patrols to protect Thai fishing vessels." *Bangkok Post*, 22 January 1981.

Initially, most of the incoming boat people were detained at "holding centers" near the southern port cities of Songkla and Trat. However, as part of its "humane deterrence" policy, the RTG announced (May 1981) that the holding centers would be phased out and that all boat people who managed to evade Thai patrols and enter Thailand after August 15 would be held at the "detention center" at Sikieu in the interior, where they would be denied processing for resettlement, and be interned indefinitely until they chose to return to their homeland. Anyone aiding "illegal arrivals" were to be prosecuted under Thailand's Immigration Act.¹² The RTG also requested the United States, France, and other countries offering permanent resettlement to take immediate measures to discourage the refugee flow.¹³

It should be noted that all of the alleged incidents of "hijackings" occurred during the month of January and that no reports of such incidents were made in ensuing months. This leads one to the conclusion that the reports were little more than fabrications, promoted by the RTG as part of a propaganda campaign against the boat people.

¹² *Bangkok Post*, 25 July 1981; and *Keesing's* (10 September 1982): 31691.

National Security Council Secretary General Prasong outlined the new policy at a conference of international relief officials held in Bangkok in late July 1981. He described recent arrivals from Vietnam not as refugees but as "economic adventurers." In a later address (August), he asserted that "there are now only two categories of Vietnamese and Lao entering Thailand: those who are seeking a better life and those who are spies." *Ibid.*, 31692.

"Provincial authorities have instructed the police in all districts bordering the sea to step up measures to prevent boat people from coming ashore. Police authorities have worked out plans in coordination with the Fishery Association of Pattani (FAP) for the effective implementation of the measures." *Bangkok Post*, 2 June 1981.

¹³ In response to this request, the U.S. Embassy announced (April 27, 1982) that as of April 30, refugees from Vietnam, Cambodia or Laos "will be considered for resettlement in America only if they can demonstrate close links with the United States." The new policy would not apply to those refugees who were already in the camps. *Facts on File*, 7 May 1982, 333.

Table 2: Viet Land/Sea Refugees in UNHCR Camps in Thailand¹⁴

Year	Arrivals	Births	Resettled	Repatriated	Deaths	Camp Pop. (end of year)
1975	4,446	NA	3,931	-	NA	515
1976	5,213	NA	3,113	-	NA	2,615
1977	5,348	NA	4,342	-	NA	3,601
1978	8,818	NA	7,074	-	NA	5,345
1979	16,119	NA	12,163	-	NA	9,301
1980	26,491	76	25,645	-	3	9,530
1981	22,511	88	26,574	-	15	5,803
1982	6,228	195	3,391	-	13	8,903
1983	5,323	294	6,457	-	16	8,622
1984	2,898	262	6,929	-	12	4,726
1985	5,231	168	4,525	-	12	5,395
1986	6,002	208	4,587	-	8	7,023
1987	12,668	279	5,275	-	16	14,535
1988	9,636	340	10,295	-	16	14,155
1989	2,671	224	7,659	9	5	9,375
1990	0	154	8,184	5	10	1,527
1991	0	15(Nov.)	1,477	2	2(Nov.)	506
1992	2,302	NA	760	2,719	NA	1,059 (8,716)
Total:	143,000 (Estimated)	2,303 (Nov. 91)	142,253 (Oct. 92)	2,737	128 (Nov. 91)	

¹⁴ "UNHCR, Indo-Chinese Refugees and Asylum-Seekers in Thailand, As of 30 November 1991, Statistics of Indo-Chinese Refugees, I. Overall Situation of Indo-Chinese Refugees in Thailand, 1975-Present," p. 1; and "UNHCR..., As of 31 December 1991 and As of 31 October 1992, 1, "Statistics of Indo-Chinese Refugees, IVB. Departures to Resettlement Countries," 8, and "III. Voluntary Repatriation," 12.

It was also reported that 173 Vietnamese were voluntarily repatriated from Thailand during 1990, but these were not included in the UNHCR statistics, referenced above, apparently because they were transferred as a result of a bilateral agreement between Thailand and Vietnam, without the involvement of the UNHCR. USCR *World Refugee Survey*, 1991, 67.

According to UNHCR statistics, 1,233 boat people and 1,486 land refugees were repatriated to Vietnam from Thailand during 1992; and a total of 2,322 boat people and 551 land refugees, who were not registered in UNHCR camps, were repatriated in previous years, but not mentioned in prior UNHCR reports. "Statistics Concerning Indo-Chinese in East and South East Asia for the month of December 1992, UNHCR, Geneva, January 1993, Table II (unnumbered).

Note: The figures for 1989 through 1992 do not include "illegal aliens" who arrived in Thailand after March 14, 1989, who were being held at the Site 2 annex under the control of the RTG Ministry of Interior. The figure in the parentheses under camp population indicates the number of these Vietnamese held at Site 2 as of 31 December 1992. *Ibid.*

As indicated in Table 2 above, Vietnam's stricter control over potential refugees and the efforts of Thailand and other Southeast Asian nations to discourage additional migration by sea resulted in a sharp decline in the number of Vietnamese arriving in Thailand: From a peak of about 26,500 coming to the Kingdom during 1980 and 22,500 in 1981, the number of arrivals declined to just over 6,000 in 1982, about 5,300 in 1983, and fewer than 3,000 in 1984. The number of Vietnamese taken out of Thailand for resettlement reached 26,600 during 1981, declined to about 3,400 in 1982, increased to some 6,500 in 1983 and 7,000 in 1984.

The Piracy Problem

For centuries, small bands of pirates have ranged the coastal waters of the Gulf of Thailand, the Straits of Malacca between Malaysia and Indonesia, the Sulu Sea between Malaysia and the Philippines, and the Celebes Sea between the Philippines and Indonesia. Their campaign of plunder and murder has continued until the present day and some observers maintain that the fear they inspired proved to be a much more effective deterrent to potential boat people than are the statements and policies of the governments of the region.¹⁵

¹⁵ "(The pirates) easiest prey is the flotilla of fishing trawlers, ferries and small trading boats that ply the island waters... Of the 500 victims attacked by buccaneers off the southern Thai provinces of Trat and Chanthaburi last year (1977), more than 300 drowned.

"The rise of Southeast Asian piracy is an indirect outgrowth of the war in Indochina. The end of the conflict provided a bonanza of cheap surplus weaponry. At the same time, Thailand's fishing industry which expanded to replace Viet Nam's (sic) war-torn fleet, had to sail farther and farther to meet demand. As seafood prices tripled, a number of fishermen discovered that it

Ever since it began, the boat people migration had captured the attention of the international news media; and the pirate attacks on refugees at sea, acts reminiscent of a bygone age of barbarity, could hardly fail to become the focus of reports concerning the exodus of refugees from Indochina. It was charged that most of the attacks were perpetrated by Thai fishermen;¹⁶ and such reports led to widespread criticism of the Thai government for not doing more to police its coastal waters.¹⁷

was easier and more profitable to hijack fish than to catch them... Some pirates have even tried attacking ocean-going ships...

"Nowhere is piracy more dangerous than in the disputed no man's water off the Thai province of Trat, near the Cambodian border... Ten Thai fishermen were killed in a single attack off Ko Kut Island (in June 1978)." *Time*, 31 July 1978, 35.

See also Richard Nations, "The Forgotten 140,000," *FEER*, 22 December 1978, 12.

During April-August 1979, about 100 boats arrived at Indonesia's Anambas Islands, 160 miles east of the Malay Peninsula; and ninety-six reported that they had been attacked by pirates, "often three to five times." *Newsweek*, 13 August 1979.

¹⁶ "The (RTG) Fisheries Department says it is aware of cases where fishermen have turned to piracy. 'Most of the fishermen are in financial difficulties,' said a spokesman. 'The prices they are getting just haven't matched the rise in the cost of living... But, he said, it was still possible for good fishermen to make a living and he described errant trawler captains as 'criminals, black sheep who should be eliminated'" *FEER*, 1 February 1980, 27.

"... A fleet of more than 20,000 trawlers plying the waters off (Thailand's) roughly 3,000 km. coastline as well as other waters in Southeast Asia and producing nearly 2 million tonnes of marine products a year makes the Thai industry the fourth largest in Asia after Japan, China and India....

"Declining marine resources in Thai waters led to aggravation of (a) long-standing problem - the illegal intrusion by Thai trawlers into the territorial waters of neighbouring countries...

"Frequent arrests of Thai fishermen in other countries' restricted areas have come a diplomatic embarrassment for the Thai Government. A senior Fishery Department official recently estimated there are hundreds of Thai fishermen held in Burmese jails alone." *FEER*, 17 November 1983, 78-81.

"In recent years, there have been indications that the Malaysian authorities have increased the policing of their territorial waters in order to reassure Malaysian fishermen that they are protecting their interests against encroachment by the Thais: "Fifteen Thai boats were confiscated and 140 Thai crew arrested in October (1985)... compared to seven boats for the whole of 1984." *FEER*, 21 November 1985, 35-6.

¹⁷ "Piracy is, in fact, a sensitive issue with the Bangkok government. Although hundreds of Thai fishermen are said to die at the hands of pirates

Soon after the inception of the boat people migration, there were reports of tragic incidents of pirates preying on refugees in their small, unarmed craft. Such reports increased markedly in October 1979 when a number of pirate boats began to use the uninhabited island of Ko Kra, off the coast of Thailand, as their base.

UNHCR reports indicate that, between October 29 and December 31, 1979, 167 refugees were murdered in three incidents near the island. Seven Thai fishermen were tried and convicted by a Thai court for participating in one of the incidents, and sentenced to prison terms ranging from eight to twenty-four years. Notwithstanding these measures, there were indications that, by November 1980, about 70 percent of the refugees arriving in the coastal waters of Thailand were being attacked.¹⁸

The Thais deeply resented the fact that the news media had focused on the relatively few boat people arriving in Thai waters, while ignoring the tens of thousands of other refugees who had made their way into Thailand from Laos and Cambodia. Nevertheless, the glare of publicity surrounding the piracy issue served to pressure the

each year in the Gulf of Thailand, it has only become an issue since attacks on refugee boats began." John McBeth, "Lonely was the pirate hunter," *FEER*, 10 May 1980, 35.

"According to some informants, professional pirates operate off of Pak Phanang.. the Surat Thani coastal district... and further north around Chumphon. Piracy also appears to be prevalent off Trat and Chanthaburi provinces... In 1979, hired gunmen killed a Crime Suppression Division colonel who tried to set up an anti-pirate operation in the area, using a trawler fitted with grenade launchers and M60 machine guns." *FEER*, 1 February 1980, 27.

¹⁸ *Keesing's* (10 April 1981): 30810; and *Facts on File* (25 January 1980): 49.

During 1981 alone, pirates were reported to have attacked "over two dozen" commercial ships. See *Asiaweek*, 15 January 1982; found in *World Press Review*, 29 (March 1982): 57.

Thai authorities into cooperating more closely with the UNHCR in its efforts to protect all refugees.

The Anti-Piracy Task Force

In response to international criticism, the RTG began its effort to reduce piracy by improving its control over boat registration and fishing licenses among Thailand's 27,000 boat fishing fleet. However, as Thai officials were quick to point out, their country simply lacked a sufficient number of patrol craft to adequately police their territorial waters and 1,630 miles of coastline.¹⁹ The United States responded to this problem by initiating its own air reconnaissance patrols between Thailand and the Philippines; and, in May 1980, along with other western nations, provided funds for the purchase by the UNHCR of the first of several patrol boats which were to be turned over to the Royal Thai Navy for anti-piracy operations.²⁰

In February 1981, the United States provide the RTG with a coast guard cutter, two reconnaissance aircraft and \$2 million to cover the operational costs of a specially designated naval "task force" to suppress piracy. The Thai Supreme Command Chief of Staff remarked that the task force would soon refute charges that Thailand was not doing enough to combat piracy.²¹ Regardless of such assurances, by the end of 1981, it was clear that the anti-piracy effort had been grossly inadequate: Following interviews with

¹⁹ *Ibid.*

²⁰ *Facts on File* (10 May 1980): 35.

²¹ *Nation Review*, 14 February 1981.

hundreds of refugees, the UNHCR reported that at least 455 boats, carrying 17,000 refugees had left Vietnam for Thailand and that "80 percent of these boats had been attacked by pirates, some of them on several occasions."²²

In response to the UNHCR findings, the United States supplemented its bilateral aid to Thailand by turning over a patrol craft and a special grant of \$104,000 for operations in the Songkla area, where piracy appeared to be particularly rampant. Within a few months, thirteen Thai fishermen were arrested, convicted of various crimes against boat people, and sentenced to prison terms of fifteen to twenty years.²³

The Anti-Piracy Campaign

As funds for the bilateral anti-piracy effort became exhausted, the United States offered an additional grant of \$600,000 to continue the program. The Thais countered that a minimum of \$30 million would be required for new equipment and staff to mount a truly effective campaign against piracy in their territorial waters.²⁴

At the urging of the United States, the UNHCR began to sound out other nations for contributions to fund a major anti-piracy campaign. The agency also began to negotiate with the RTG about the nature of such an effort, but these negotiations stalled in May

²² *Keesing's* (10 September 1982): 31691-2.

²³ William Branigan, "Pirates Plague Boat People Near Thailand," *New York Times*, 27 January 1983.

²⁴ Joseph Cerquone, "Vietnamese Boat People, Pirates' Vulnerable Prey," (Washington: USCR, February 1984), 8-9.

1982 over the refusal of the Thais to accept the principle of granting asylum to all Vietnamese found off their coast.

Finally, on June 16, 1983, the Thais agreed to expand anti-piracy operations under UNHCR auspices for a twelve month period in return for a \$2 million grant from the United States and a total of \$1.7 million from Australia, Canada, Denmark, France, West Germany, Italy, Japan, Holland, Norway, Switzerland, and the United Kingdom.²⁵ The funds were to be used for the purchase of additional patrol boats and reconnaissance aircraft, as well as for operational expenses; and the Thais pledged that they would "honor humanitarian principles" in their dealings with the boat people.²⁶

To provide policy direction for the Anti-Piracy Campaign, the RTG established a "Royal Committee on the Suppression of Piracy," but the committee was to meet only once during the first ten months of operations. Actual control of the campaign was assumed by the National Security Council under the direction of Secretary General Prasong.²⁷ The NSC was responsible for distributing funds among the various RTG agencies involved in the campaign and for reporting to the UNHCR on how operations were proceeding.²⁸

²⁵ *Bangkok Post*, 24 June 1983.

²⁶ *Keesing's* (10 September 1982): 31691.

²⁷ Cerquone, "Vietnamese Boat People," 11; and Roger Winter and Joseph Cerquone, "Horror on the Water: Pirate Attacks Against Vietnamese Boat People," *USA Today*, November 1984, 24.

²⁸ The official Thai attitude toward the anti-piracy campaign may be gauged by the fact that no full-time staff were assigned to deal with piracy issues; consequently, implementation of projects was extremely lax. For example, while the Harbor Department was provided \$160,000 and technical assistance to establish a computerized registration system for Thai fishing boats, it took ten months for the Department merely to draw up a contract for the design of the project.

During 1982, the number of boat people coming to Thailand dropped to about 6,200, compared to the total of 22,500 arrivals recorded the previous year; and there was a corresponding decline in the number of reported attacks by pirates. According to the UNHCR, the number of people reportedly killed as a result of pirate attacks dropped from a total of 235 during 1981 to seventy-two in 1982.²⁹ By mid-1983, however, UNHCR observers were reporting that anti-piracy operations were having little impact on reducing the rate of pirate attacks, most of which continued to occur in the Gulf of Thailand in waters adjacent to Songkla.³⁰ UNHCR reports also indicated that commercial vessels were deliberately avoiding the sea lanes frequented by boat people in order to forestall any difficulties with the littoral states; and that this practice had resulted in a significant increase in the number of reported assaults on boat people.³¹

The reports submitted by the NSC were regarded by one informed source as being "late and superficial." It was noted that the NSC report for the period October-December, 1982 described surveillance activities in only four lines.

Ibid.

²⁹ It should be noted that such statistics are based solely on reported cases. Several observers have noted that, as anti-piracy operations have expanded, the pirates have become more ruthless in their methods in order to ensure that there would be no survivors to report their attacks. See Henry Kamm "Vietnam Refugees Face an Increasing Savagery," *New York Times*, 4 July 1984.

³⁰ "... Out of 463 refugee boats which landed in Thailand and Malaysia in the 12 months ending in April 1983, 196 were attacked, some of them several times: 56 refugees died, 133 were abducted and 228 were raped." *FEER*, 9 July 1983, 38.

"... In 1981, 77% of the boats which left Vietnam and eventually landed in Thailand were attacked; in 1982, 62%; and in 1983, 56%. We can find no solace in the small decline in attacks, because any level of such violence is unacceptable and because the viciousness of the attacks has increased." Cerquone, "Vietnamese Boat People," 12.

³¹ *Keesing's* (February 1984): 32676.

Concern over laxity in the promotion of the Anti-Piracy Campaign led the UNHCR to form a three-man commission of maritime officials, which examined the security situation in Thai coastal waters during June-July 1983. At the completion of its study, the commission recommended that a permanent task force be formed with representatives of all concerned RTG agencies and that it be headquartered at Songkla. The commission also suggested that the Royal Thai Navy institute random, as well as night patrols, and that the UNHCR assign full-time staff to assist in coordinating operations by gathering and disseminating information from boat survivors.³²

The Thai authorities declined to establish an integrated command at Songkla, preferring to leave complete responsibility for all aspects of policy in the hands of the National Security Council in Bangkok. The UNHCR, however, was permitted to assign a full-time consultant to monitor anti-piracy operations.³³

Increased monitoring of anti-piracy operations revealed that the RTG was not only giving inadequate direction to the Campaign, but was also, on occasion, sanctioning surreptitious methods to limit the number of boat people claiming asylum: The UNHCR formally complained in January 1984 that, during the previous month, a Thai naval vessel had towed a boat with twenty-nine Khmer refugees back out to sea after it had landed on Thai territory; and that this resulted in the death of two infants from exposure. The boat was subsequently attacked by pirates

³² Winter, "Horror on the Water," 24.

³³ Cerquone, "Vietnamese Boat People," 12-13.

and six girls were abducted. The remaining refugees were able to make their way back to shore and report their misfortune.

In another complaint, the UNHCR charged that, only a few weeks after the first incident, a boat carrying seventy-two Vietnam-ese refugees, which also had landed on Thai territory, was being towed out to sea when the tow line broke and the boat rammed by the Thai vessel. Twenty-three of the refugees were reportedly drowned. The UNHCR also noted that, in the year and a half since the foreign funded anti-piracy effort had begun, not a single pirate had been arrested.³⁴

Following a two-day "fact-finding mission," NSC Secretary General Prasong angrily rejected the complaints and charged that by making public insinuations of official misconduct on the basis of "unverified accounts" by refugees, without prior consultation with the authorities concerned, the UNHCR "had done a great disservice to Thailand and the Thai people."³⁵ In response to what it regarded as a diplomatic affront, the RTG then postponed an emergency meet-

³⁴ *Bangkok Post*, 31 January 1984.

³⁵ The Secretary General indicated his inquiry had revealed, with respect to the first incident, that the Khmer boat had been attacked by *Khmer* pirates in Cambodian waters soon after it left port, that the refugees were forced to exchange their boat for the pirates' boat, and that the two infants had died prior to the boat's arrival in Thai waters. He claimed that the twenty-one survivors "were safely towed to shore by an unidentified fishing vessel" and that they and their vessel were taken into "safe custody" by a Thai navy unit and provided asylum.

With respect to the second incident, the Secretary General claimed that the Vietnamese refugees had been provided shelter, food, and medical treatment by the authorities soon after they had landed and that they were also furnished with "two wooden vessels in order that they could continue their journey according to the wishes they had expressed." He added that the Thai authorities provided the boats with food and water and escorted them out of Thai waters. *Ibid.*, 9 February 1984.

"Capt. Prasan Suchinda, the Secretary to the (Royal Thai) Navy, asserted that the action taken by the marine police (in the two incidents) was in accor-

ing of representatives of the contributing nations, which the UNHCR had called for February 24.³⁶

The first arrests under the Campaign finally took place in April 1984, only one week before Prime Minister Prem was to meet President Reagan in Washington and Pope Paul was to visit Bangkok: Four Thai fishermen were quickly convicted of rape, abduction, and attempted robbery of refugees. Their sentences of thirteen years were later reduced to nine years because they confessed.³⁷

Notwithstanding persistent reports of a high rate of pirate attacks and the availability of a number of refugee witnesses, only thirty cases were under investigation by the end of June. These inquiries eventually resulted in charges against only seventeen men, of whom eleven were eventually acquitted.³⁸ UNHCR officials, supported by the testimony of Thai fishermen, blamed the lack of effective prosecution on the protection afforded the pirates by "powerful regional crime syndicates, which flourish in the remote frontier area, bribing local officials, extorting protection money

dance with the government's policy of deterring refugees in seaworthy boats from landing in Thailand." *Keesing's*, February 1984, p. 32676.

³⁶ *Ibid.* (October 1984): 33154.

³⁷ Henry Kamm, "Vietnamese Refugees Face an Increasing Savagery," *New York Times*, 4 July 1984.

³⁸ *Ibid.*

The UNHCR reported that, between January 1982 and July 1984, "some 1,800 refugees had been killed by pirates, more than 2,300 women had been raped and assaulted, and 850 women had been abducted and were still missing." *Facts on File* (27 July 1984): 551.

One observer noted that, from 1979 through mid-1984, "the Thais have apprehended only fifty-three pirates and convicted only twenty-seven." Al Santoli, "The Gulf Pirates," *Atlantic*, 235, (February 1984): 27.

from the smaller fishing fleets, and virtually directing coastal trade and commerce."³⁹

As of mid-1984, international donors had contributed through the UNHCR a total of over \$6 million for the procurement of equipment for anti-piracy operations, including three patrol boats, two aircraft, and a number of decoy fishing boats. Nevertheless, continued reports of savage attacks on refugee boats resulted in growing doubts about the efficacy of the program; and such doubts led the Netherlands to formally withdraw her support. Notwithstanding the apparent lack of progress, the UNHCR, on June 22, 1984, announced that it was extending the Campaign for another year by providing Thailand an additional grant of \$2.1 million.⁴⁰

In May 1985, France followed the lead of the Netherlands and announced that she too would no longer contribute to the Anti-Piracy Campaign. Nevertheless, the eleven remaining contributors agreed to provide \$2.7 million to fund operations during June 1985 through June 1986; and later agreed to provide an additional \$2.57 million to fund the program until July 1987.⁴¹ The UNHCR indicated that it would press for increased emphasis on "land-based operations," designed to gather and assess refugee reports of piratical

³⁹ *Ibid.*

In testimony before a U.S. congressional committee, Jack Bailey, representing Operation Rescue, a private voluntary organization active in Thailand, estimated that 500 Thai fishermen had been killed by pirates during the previous two years and that about five Thai boats are lost to pirates each month. *Ibid.*

⁴⁰ *Keesing's* (October 1984): 33154-5.

⁴¹ *Ibid.* (January 1986): 34104.

The United States provided \$1 million, or 41 percent of the funds for the program. *USCR Refugee Reports*, 7, no. 4 (18 April 1986): 4.

attacks, and thereby promote the arrest and conviction of those accused of such attacks.⁴²

In defense of the RTG, it should be said that, even with the international funding, the Thai maritime security forces were still inadequate in both equipment and manpower to effectively police the wide expanse of Thailand's territorial waters and that, given the pressing challenges confronting the government, particularly the threat posed by Vietnamese forces along the Thai-Khmer border, no significant allocation of domestic resources could reasonably be expected to have been diverted to the anti-piracy effort.⁴³ This said, we must also note that the Thai leadership permitted bureaucratic inertia, rivalries, and jurisdictional disputes to unnecessarily impede operations against the pirates - perhaps as a reflection of their apathy, if not antipathy with respect to the boat people.⁴⁴

⁴² UNHCR *Refugees*, no. 31 (July 1986): 7.

⁴³ "Refugees have (reported) that while they were being attacked they saw (Thai reconnaissance) aircraft fly over their boats... As soon as the planes leave the scene of an attack, the pirates return, knowing that it will be hours before the Thai navy arrives.

"... only a third of the Gulf's expanse - including less than half of the area to which currents tend to carry refugee boats is Thai territory. It has been estimated that 75 percent of pirate attacks take place in Vietnamese, Malaysian and international Gulf waters, where the Thais are not allowed to make arrests." Santoli, 28.

⁴⁴ "Since the pirates use CB radios to coordinate their attacks... the anti-piracy program needs a power radio-intercept station on land. In fact the Thai Post and Telegraph Department already has such a station, but bureaucratic rivalries prevent its use by the anti-piracy program.

"Thai law restricts naval jurisdiction to cases in which the pirates are caught in the act... The Thai navy is forbidden to operate on the mainland, and the marine police are confined to harbor areas. Law enforcement is left to district officials, many of whom have been bribed by syndicate bosses, owe them favors, or are fearful of them (with good reason: in some of the wilder districts, the local police are outgunned a hundred to one by syndicate hoodlums). With the local authorities helpless, it is up to the Thai national

During the fall of 1985, the United States provided a special grant of \$205,000 to improve land-based police operations, with emphasis on training Thai marine police in improved methods of gathering evidence. The training reported had a marked positive influence on police morale and resulted in an increase in arrests. The grant also permitted the promotion of an impressive anti-piracy publicity campaign in the port city of Songkla, during which the RTG admitted for the first time that Thai citizens were involved in pirate attacks.⁴⁵

By the end of 1985, highly critical international publicity concerning the apparent laxity of the RTG in the implementation of the anti-piracy effort and unremitting pressure by the UNHCR, the United States, and other friendly nations appeared to have had the desired effect on Thai policy: While piracy remained rampant in Thailand's southern gulf waters, there were only a few reports of attacks in the waters off Cambodia and the northern Thai provinces of Trat and Chanthaburi; and this region soon became the preferred route for many of the boat people.⁴⁶

government to find a way to pressure the crime bosses into getting out of the piracy business." *Ibid.*

⁴⁵ "Originally, the UNHCR Program emphasized sea surveillance by Thai navy planes and ships, an approach that was questioned in a 1983 review by a team of international experts. Since then, anti-piracy activities on land have received more emphasis." USCR *Refugee Reports*, 7, no. 4, 18 April 1986, p. 2.

⁴⁶ "New escape routes were used by the Vietnamese to circumvent piracy. Beginning in 1984, many traveled overland through Cambodia for a short boat ride from Kompong Som and Koh Kong seaports to Thailand's east coast. By 1986, 2,222 Vietnamese arrived in the east (sic), compared to 1,664 in the south where most attacks have occurred. In 1987, the number arriving on the east coast escalated to 7,847 from 3,348." LCHR, *Refuge Denied: Problems in the Protection of Vietnamese and Cambodians in Thailand and the Admission of Indochinese Refugees into the United States*, Lawyers Committee for Human Rights, (1989): 85. See also *FEER*, 14 November 1985, 30.

There were also indications at this time that the RTG had taken steps to end some of the bureaucratic infighting which had hampered the anti-piracy effort in the past: There was a significant increase in the number of arrests and convictions of pirates and the Thai judiciary dramatically increased the length of prison sentences meted out for piratical offenses.⁴⁷

NSC Secretary General Prasong announced in November 1985 that, as a result of improved and expanded operations, "the level of (pirate) attacks in the Gulf of Thailand has now dropped to 23 percent of all Vietnamese refugee boats heading for Thailand, compared with 77 percent in 1982."⁴⁸ Nevertheless, reports of

⁴⁷ "On March 24 (1985), in what was thought to be the worst ever pirate attack on a Vietnamese refugee boat, 117 people were robbed by Thai fishermen who then rammed and sank their boat; those not killed in the course of the attack were left to drown. One man survived the attack.

A court in Songkla sentenced three men to a total of 124 years in prison on Sept. 17 after they were found guilty of "piracy involving murder, rape and robbery." *Keesing's* (January 1986): 34104.

"Of the 17 pirate cases which have... been heard in southern Thai courts (as of November 1985), 10 have resulted in jail-sentencing for robbery, rape, murder and illegal importation of aliens. In the other seven, defendants were acquitted because of the failure of victims to testify, or for conflicting testimony. Even so, a total of 35 defendants have been jailed and while sentences in 1980 did not exceed 16 years jail, a case last September in Songkla, southern Thailand, saw one pirate convicted of gang robbery, murder and rape being sentenced to a total of 60 years, another given 44 years, and a third 30 years.

"This, as Prasong confirmed, reflected a move by the Thai authorities to encourage the judiciary to hand down stiff sentences to the pirates. Whether the heavier sentencing acts as a further deterrent to piracy remains to be seen. Some concerned parties feel it may encourage pirates to destroy the evidence - in other words, kill those they rob and rape." *FEER*, 14 November 1985, 31-2.

During the first four months of 1986, the Thai police reportedly arrested ten suspects, "an amount equal to a whole year's arrests in the past." *USCR Refugee Reports*, 7, no. 4 (18 April 1986): 2.

⁴⁸ *FEER*, 14 November 1985, 30.

attacks on refugee boats continued to attract widespread international attention.⁴⁹

UNHCR reports indicated that during 1986, only fifty-five boats had been attacked, with 107 missing and twenty-six abducted.⁵⁰ This marked a decrease in both the number and percentage of boats attacked, compared to the previous year. During the same period, the marine police caught forty-two suspected pirates and the Thai navy captured eight, compared to a total of fifty suspects who had been apprehended during the previous four years.⁵¹ There was also an increase in reports of Thai fishermen aiding incoming refugees.⁵²

The trend toward fewer pirate attacks continued during 1987, and, ironically, when the surge in boat people began that year, the greater safety of the passage through Thai waters caused many of the refugees to choose that route: Over 11,000 made it to Thailand

⁴⁹ In late December 1985, for example, the international press reported that pirates had killed 50 boat people off the coast of Malaysia, leaving only one man and 28 women and children as survivors. *Washington Post*, 26 December 1985.

⁵⁰ USCR *World Refugee Survey, 1987 in Review*, 53.

"... The Royal Thai Navy retains a major, though reduced, portion of funds, while local police lack resources. However, it has proven ineffective and is not regarded as an important element in the piracy battle. It has made virtually no arrests, while receiving two-thirds of the millions that have been spent on international anti-piracy measures. By comparison, the less equipped and smaller-staffed Songkla marine police, a unit which conducts off-shore patrols, captured the majority of piracy suspects last year." Cerquone, "Uncertain Harbors," 24.

According to an internal UNHCR report, obtained by the writer in October, 1990, since the inception of the Anti-Piracy Campaign in 1984 through mid-July 1990, the marine police of Songkla were responsible for the prosecution of 34 of 47 piracy cases, involving 100 of the 151 suspects arrested.

⁵¹ Twelve of the accused were convicted and sentenced by the end of 1986, with sentences ranging from eleven years to death. UNHCR *Refugees*, no. 38, (February 1987): 13-14.

⁵² USCR *World Refugee Survey, 1986 in Review*, 55.

by sea, more than double the number received the previous year and the largest number received by any country of first asylum that year.⁵³

While Thailand and the other ASEAN states appealed to the United States and other resettlement countries to increase their annual quotas in order to maintain a net reduction in the camp populations, only about 5,300 were resettled out of Thailand during 1987, leaving a total of about 14,500 in UNHCR camps in Thailand by the end of the year, more than twice the total at the end of the previous year.

A Return to the Hardline Policy

The unanticipated upsurge in boat people arrivals coincided with recurrent hostilities arising from Vietnamese-PRK incursions along the Thai-Khmer border, which had begun the previous year, and the clashes between Thai and Laotian forces in the disputed region of Ban Rom Klao, which led to the indecisive Thai offensive of "Operation Soi Dao," launched in November 1987. The hundreds of Thai casualties suffered as a result of these hostilities touched off a nationalistic fervor which hardened attitudes against the boat people.

Another serious security concern arose in late 1987,

⁵³ "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand As of 30 November 1991, Statistics of Indo-Chinese Refugees, III. Arrivals Summary," 4.

In the southern part of the Gulf of Thailand, where piracy was at its worst, 26 percent of all incoming boats were attacked in 1987, compared to 44 percent the previous year. UNHCR reports indicated that a total of seventy-five boats had been attacked during the year and that thirty-five people were missing. See USCR *World Refugee Survey, 1987 in Review*, 53.

with the revelation of the existence of a massive blackmarket network operating on Thailand's vulnerable east coast, involving Thai provincial officials and a syndicate of smugglers operating out of Cambodia. Millions of dollars of consumer goods, foodstuffs, and even "strategic" military items were reportedly being transported to Cambodia in hundreds of small boats based in the port city of Trat. On the return trip, the boats would allegedly bring back Vietnamese asylum seekers, gemstones, and other "exotic" products.⁵⁴

During a visit to the detention center at Phanat Nikhom on December 27, 1987, the Thai Interior Minister, Prachuab Suntharangkul, ordered an investigation into the allegations of smuggling activities at Trat. He also announced that, until the camp population at Phanat Nikhom had been taken out of Thailand, "no more boat people" would be permitted to enter the country and "all vessels attempting to land would be sent back to sea."⁵⁵

The new pushback policy was formally announced on January 27, 1988: Prime Minister Prem characterized the Vietnamese asylum seekers as illegal "economic migrants" and ordered Thai naval and police vessels, augmented by deputized fishing boats, to "push out any Vietnamese boat people headed for Thai shores."⁵⁶ Interior Minister Prachuab earlier had warned that any provincial officials who tolerated the influx of Vietnamese would be replaced and that any boat caught bringing in "illegal immigrants" would be

⁵⁴ See "Police to Probe Refugee Smuggling Rackets," *Bangkok Post*, 26 January 1988; cited in LCHR, *Refuge Denied*, 66.

⁵⁵ "Red Light for the Boat People," *Time*, 26 January 1988; cited in *ibid.*, 67.

⁵⁶ "Government to Push Back Vietnamese Lao Refugees," *Nation Review*, 28 January 1988; cited in *ibid.*

confiscated, its owner subjected to a \$4,000 fine and up to ten years imprisonment, and its crew also subjected to prosecution.⁵⁷

On the day following the announcement of the new policy, Thai marine police forced back out to sea a trawler carrying forty Vietnamese.⁵⁸ Thai officials estimated that within three weeks of the introduction of the pushback policy, some 1,000 Vietnamese had been turned away.⁵⁹

⁵⁷ "Police to Probe Refugee Smuggling Rackets, *Bangkok Post*, 26 January 1988; cited in *ibid*.

Concurrently with the pushback policy, there was a crackdown on the smuggling syndicate: High ranking officials of Trat province, including the governor and police chief and nine police officers, were replaced. "Trat Governor Transferred," *Nation Review*, 5 February 1988; cited in *ibid*.

A later report indicated that "17 Trat financiers, including a police officer" were arrested for engaging in the smuggling of Vietnamese boat people and contraband from Cambodia. Police investigators revealed that those arrested "were engaged in the illegal import of goods such as electrical appliances, motor spares, liquor and cigarettes from ocean-going vessels in international waters, and the smuggling of goods from Kampuchea and Vietnam, namely scented wood, dried fish, marine products, animal hide and timber." The "financiers" were also charged with illegally exporting Thai consumer goods to Cambodia and Vietnam and bringing back Vietnamese on return trips. They allegedly charged "a fee in gold" of from \$750 to \$1,000 for each adult and \$350 to \$500 for each child. "Police identify Trat racketeers," *Bangkok Post*, 5 February 1988.

A year later, a disciplinary panel was established to investigate thirty-five police officers, including four senior officers, who were accused of "smuggling contraband in and out of the country and allowing Vietnamese boat people in." *Bangkok Post*, 7 March 1989.

⁵⁸ "Government Tightens Ban on Boat People," *Bangkok Post*, 29 January 1988.

"The policy was formalized in a Ministry of Interior (MOI) instruction letter to all provincial authorities signed by Deputy Permanent Secretary Somphom (sic)... dated February 2, 1988." LCHR, *Refuge Denied*, 68

⁵⁹ "1,000 Vietnamese Refugees Sent Back," *The Nation*, 6 February 1988; cited *ibid*.

This figure apparently included 250 Vietnamese who had made it to Thai beaches, but were nevertheless forced to reboard their boats and return to sea. See "Police force 300 refugees back to sea," *Bangkok Post*, 3 February 1988.

The Thai Mission to the United Nations explained the new policy by remarking that "Feeling the world no longer cares, and (that) Thailand will be left to shoulder alone the burden of refugees, the Thai government has taken measures such as pushing the refugees out to sea or isolating them on barren islands." Permanent Mission of Thailand to the U.N., "Thai Perspectives

The Deputy Permanent Secretary of Interior, Somporn Klinpongsa, ordered that any Vietnamese boat which was scuttled before reaching land be left to sink without any provision of assistance to its passengers. The Thai official explained that such harsh measures were necessary to discourage an estimated 30,000 Vietnamese who, he alleged, were waiting near the Khmer port of Kompong Som to cross the Gulf of Thailand and find asylum in Trat province. He charged that the Vietnamese government was allowing the refugees to leave in such large numbers in order to damage Thailand's standing the world community by forcing her to take repressive measures.⁶⁰

The RTG denied UNHCR representatives access to incoming asylum seekers, without prior permission from the Ministry of Interior, and prohibited international assistance to approximately 1,600 Vietnamese who had been rounded up in coastal holding centers before the pushback policy began. UNHCR reports indicated that many smugglers, fearing punishment under the new policy, simply abandoned their human cargoes near barren islands.⁶¹ In effect, the Anti-Piracy Campaign was suspended; and some Thai

on the Influx of Boat People," release no. 3/ 2531 (25 April 1988), cited in LCHR, *Refuge Denied*," fn., 68.

⁶⁰ "Government Tightens Ban on Boat People," *Bangkok Post*, 29 January 1988.

In an earlier interview, Somporn indicated that boat people who had managed to avoid the security patrols and reach Thai shores would be permitted to remain in holding centers until they were resettled or repatriated. *The Nation*, 10 January 1989.

⁶¹ During discussions with UNHCR officials in February, Somporn reiterated that Thai authorities would not force Vietnamese back to sea if they had scuttled their boats and made it to Thai beaches. "We cannot let them float in the sea," he said.

The Thai official also denied reports that boat people who had landed on Thai territory had been forced back out to sea by Thai naval or police patrols or that boat people had been abandoned on isolated islands.

fishermen came to interpret the new policy as giving them a mandate to ram, pillage, and assault defenseless boat people. There were several reports that Thai naval and police personnel were themselves participating in the ramming of boats and other attacks on refugees.⁶² In response to protests by the UNHCR and the U.S. Embassy, NSC Secretary General Suvit stated that "Once the situation returns to normal, we may return to former methods."⁶³

The RTG official indicated that UNHCR officials would be permitted to visit new arrivals from time to time, but that they must first receive permission from the Interior Ministry; and rejected a plea from the UNHCR to permit all incoming boats to land, noting that Vietnam had been jailing Vietnamese fishermen who had accidentally strayed into Vietnamese waters and causing the RTG to pay heavy fines for their release. He also pointed out that Vietnam had accepted only a few hundred of the "40,000 to 50,000 Vietnamese Dien Bien Phu refugees" who had come to Thailand more than thirty years ago. *Bangkok Post*, 10 February 1988.

⁶² "... Relief workers reported that, on February 9, 1988, sixty-three Vietnamese were forced from a beach shelter at Mai Rut into three rickety boats and pushed out to sea. Two people who tried to swim back to shore were shot dead...."

"Western observers found corpses washed up on beaches and received numerous reports by Thai fishermen of finding bodies off the coast..

"U.N. officials estimated in a March 11, 1988 situation report that the push-offs of refugee boats or intentional rammings by Thai police, navy or fishing vessels caused at least 170 deaths. The total number of victims, however, was estimated by surviving boat persons and relief officials to be much higher because many attacks take place far from the coast where no survivors or trace of those drowned can be recovered." "UN Attribute 170 Deaths to Thai Refusal of Refugees," *New York Times*, 6 April 1988; cited in LCHR, *Refuge Denied*, 69-70.

For a series of other accounts by survivors of attacks by Thai security personnel, see *ibid.*, 75-78. For reports of alleged pirate attacks during this period, see *ibid.*, 78-83.

⁶³ "Crackdown on boat people may be relaxed, says Suvit," *Bangkok Post*, 1 February 1988.

Notwithstanding the imposition of tougher controls, a group of 70 boat people managed to reach Thai territory at Laem Sing in Chathaburi province on January 31. The Vietnamese claimed that they had swum to shore after their boat sank, but Thai officials believed that they had been assisted by a Thai fishing trawler. "70 boat people land on beach," *Bangkok Post*, 1 February 1988.

A few weeks later, on February 19, the National Security Council announced that the UNHCR would be permitted to provide assistance through Thai relief personnel to 520 Vietnamese who had been stranded without food or water on Rang Yai Island. However, relief officials were not permitted to interview the asylum seekers or obtain name lists and were discouraged from searching other islands for stranded groups.⁶⁴

The Memorandum of Understanding

After three months of being subjected to intense criticism by the international news media and persistent protests by the UNHCR, the United States, the European Community and other friendly nations, the RTG finally agreed to modify its harsh policies and recognize the commitments it had made before as a country of first asylum: On April 20, 1988, it signed a Memorandum of Understanding with the UNHCR, whereby it agreed to permit Vietnamese boat people to land on Thai territory and to provide asylum to them, as well as to Vietnamese being held in coastal holding centers and those stranded on islands in the Gulf. The Thais insisted that all these newly arrived boat people be held at a special facility to be constructed near Site 2, on the Thai-Khmer border and that they would all be denied the possibility of resettlement in order to discourage more arrivals.⁶⁵

⁶⁴ LCHR, *Refuge Denied*, 73.

⁶⁵ "Relief Supplies Sent to Stranded Refugees," *The Nation*, 21 February 1988; cited in *ibid.*

During May 1988, more than 2,000 Vietnamese boat people were moved from holding centers in Trat and Chanthaburi to an annex at Site 2, where some 160,000 Khmer "displaced persons" were being held under the authority

Thai spokesmen repeatedly stated in response to diplomatic demarches that the principle of permitting first asylum of incoming boat people had been re-established.⁶⁶ A few days after the conclusion of the Memorandum, however, the RTG announced that coastal security forces had been ordered to repair and provide food and fuel to incoming boats before sending them off "for their journey to other destinations."⁶⁷ UNHCR reports indicated that the number of pushbacks declined somewhat, but still remained high.⁶⁸

of the RTG Ministry of Interior. This brought the number of Vietnamese at the facility to over 3,100. USCR *Refugee Reports*, 9, no. 6 (24 June 1988): 14.

⁶⁶ The RTG warned that "if the situation shows no sign of improvement... appropriate measures will be instituted by the Royal Thai Government." See Permanent Mission of Thailand to the U.N., press release no. 5/2531, 27 April 1988; cited in LCHR, *Refuge Denied*, 73.

⁶⁷ See Thai press release no. 3/2531, *supra*, cited in *ibid.*.

In March 1989, the Commander of the Royal Thai Marine Police, Major General Thirachai Riencharoen, admitted in an interview that, for more than a year, his forces had been "redirecting" Vietnamese boats "to other countries that can help them go to Australia, New Zealand and America - places where they want to go."

The Commander insisted that no boats were being pushed back, but were provided protection and furnished with food, fuel and medicine before continuing on their journey. He reported that since January 1, the Marine Police had redirected eighteen boats carrying 659 Vietnamese. *Bangkok Post*, 4 March 1989.

⁶⁸ "On October 7, 1988 in Bangkok, UNHCR representative Pierre Jambor (reported) that between February 1 and April 20, 1988, 1,643 asylum seekers in 64 boats were pushed off, whereas 1,355 people (around half stranded on islands) in 74 boats were permitted to land. Following this period, Mr. Jambor advised that between April 20 and August 31, 1988, 655 people in 28 boats were pushed off, and 600 people in 54 boats permitted to land.

"But internal UNHCR documentation indicates that between April 20 and June 1988 alone, 665 Vietnamese in 31 boats were pushed off. The discrepancy raises questions about the accuracy of UNHCR public pronouncements on the issue.

"UNHCR reports show that between May and August 1988, except for five Vietnamese boats that reached Western oil rigs, a total of four refugees were permitted asylum on Thailand's south coast, compared to a 1987 monthly average of some 180 arrivals. A similar comparison on the east coast shows a sharp drop from an average 1,000 monthly arrivals in 1987 (including more than 2,257 in January 1988) to a monthly average of 102 during mid-1988.

"In November and December 1988, during heavy monsoon storms some exceptions were made... However, the push-off practice appears to continue for most boats." LCHR, *Refuge Denied*, 74.

Reports also persisted of murderous attacks on refuge boats by pirates in Thai territorial waters.⁶⁹

During 1988, a total of just over 7,000 boat people managed to secure asylum in Thailand. Some 8,600 Vietnamese were taken out for resettlement, leaving a population of some 14,000 Vietnamese in camps on Thai territory by the end of the year. Against the background of the harsh measures meant to discourage asylum seekers from coming to Thailand, there were reports of alleged incidents of Thai security personnel engaging in brutal attacks on Vietnamese women in official custody and in the massacre of boat people at sea.⁷⁰

As noted above, Thailand and the other members of ASEAN had agreed that all boat people arriving after March 14, 1989 would be denied automatic eligibility for resettlement, but would be subjected to screening to ensure that they were bonafide refugees and not "economic migrants." A spokesman of the Interior Ministry indicated that all Vietnamese arriving after the cutoff date would be taken immediately to the Site 2 annex and held there until they could be repatriated.⁷¹

⁶⁹ On January 15-16, 1990, the bodies of eleven Vietnamese women, apparently the victims of pirates, were washed up on the shore of the southern coastal province of Nakhon Si Thammarat. *USCR Refugee Reports*, 11, no. 1 (31 January 1990): 6.

⁷⁰ Three Thai volunteer guards at a camp at Klong Yai were charged with raping refugee women during November 7-29; and, in another incident, 61 refugees were reported to have been taken from a temporary holding center by Thai security personnel and towed out to sea where all but four were murdered.

The Operations Chief of the Interior Ministry's Indochinese Refugee Section, Prapakorn Smiti, announced that Interior Ministry officials had investigated this report and concluded that it was false. *Bangkok Post*, 14 April 1989.

⁷¹ *Ibid.*, 13 March 1989.

The Termination of the Anti-Piracy Campaign

While the number of reported attacks by pirates declined during 1989, the UNHCR reported that the level of violence had increased alarmingly: More than 750 boat people were reported to have been killed or missing during 1979, compared to 500 during 1988 and ninety-five in 1987. This led observers to conclude that the land-based activities of publicity and increased surveillance and prosecutions "had driven off the rogue fishermen but left behind a nucleus of hard-core criminals, who sought to leave no witnesses."⁷²

During 1990, it became clear that the introduction of screening procedures called for by the Comprehensive Plan of Action, agreed upon by Thailand and the other countries of first asylum at the Geneva Conference of June 1989, had combined with other factors, such as the general decline in resettlement opportunities in the United States and other countries, to discourage potential boat people from fleeing their country.

While there was an overall decline in the number of boat people arriving in first asylum countries during 1990, the number of arrivals in Thailand actually increased to just over 9,000, compared to about 4,400 the previous year. Despite this doubling of the number of asylum seekers coming to Thailand, there continued to be

⁷² USCR *Refugee Reports*, 12, no. 12 (30 December 1991): 2.

On 16 April 1989, pirates massacred 130 Vietnamese boat people in the South China Sea off Malaysia. The report of the attack was based on an eyewitness account by the sole survivor. *Facts on File* (23 June 1989); 454.

On June 26, the Thai marine police reported that four Thai fishermen had been arrested in connection with the massacre. *Ibid.*, (25 August 1989): 616.

few reports of pirate attacks on refugees; and the international press turned its attention to the situation in Cambodia following the withdrawal of Vietnamese forces from that country. Indeed, from June 1990 through the end of 1991, there were no reports whatsoever of attacks on refugee boats; and this development led the UNHCR and the RTG to agree to end their seven-year Anti-Piracy Campaign as of December 31, 1991.⁷³

Critics have faulted the RTG for the slow pace of screening and certain procedural defects, such as the lack of pre-screening counseling and poor Vietnamese translations of procedures.⁷⁴ Nevertheless, as one authoritative observer has pointed out, the Thais deserve a large measure of credit for the fact that "since the implementation of the CPA in 1989, Thailand has not engaged in push-backs, it has continued to fight piracy vigorously and effectively, and it has made no effort to return any Vietnamese involuntarily."⁷⁵

⁷³ USCR *Refugee Reports*, 12, no. 12 (30 December 1991): 1.

A U.N. assessment team issued a report on 12 November 1991 which indicated that while the war on piracy was not over, "it had reached the stage where it can be effectively managed by Thai agencies alone."

"From 1984 to the end of 1991, Thai officials arrested and charged 161 suspects for piracy offenses. A total of 106 defendants were found guilty of one or more charges and given sentences ranging from probation to life imprisonment." *Ibid.*

⁷⁴ "Thai approval rates of Vietnamese applicants for refugee status in the last two years have averaged 17 percent, among the lowest in the region. The screening process is among the slowest in the region, as well: as of December 1991, about 10,300 people had been screened, of whom 600 had been approved and 2,600 rejected, leaving a backlog of more than 7,200 with decisions pending. Thai officials say that rejected cases will not be permitted to have their appeals heard until all initial decisions have been rendered. At the current rate, that process could take years." USCR *World Refugee Survey*, 1992, 22.

⁷⁵ *Ibid.*

The Current Situation of Vietnamese in Thailand

During 1990, about 9,000 boat people or some 29 percent of the total migration from Vietnam that year, arrived in Thailand, while only 6,000 were resettled during the same period. The net increase in boat people raised the population at the Site 2 annex to about 12,000, apart from some 1,500 land and sea people who remained in the UNHCR camps at year's end.⁷⁶

In 1991, just over 20,000 boat people, or 90 percent of the total migration from Vietnam for the year, chose to seek asylum in Hong Kong, apparently owing to the belief that the British would be more lenient than the authorities of other countries, such as Thailand, who were detaining all new arrivals under austere conditions and subjecting them to rigorous screening procedures before allowing them to be resettled. The number of refugees coming to Thailand by sea plummeted to only 202, while 1,465 came in by land. A total of 1,425 were resettled and only two were voluntarily repatriated, leaving a population of 506 in UNHCR camps and 13,202 in detention centers, including 2,105 who came by land.⁷⁷

⁷⁶ It was also reported that 173 Vietnamese were voluntarily repatriated from Thailand during 1990, but these were not included in the UNHCR statistics, referenced in Table 2, apparently because they were transferred as a result of a bilateral agreement between Thailand and Vietnam, without the involvement of the UNHCR. *Ibid.*, 1991, p. 67.

According to one authoritative source, the voluntary repatriation of Vietnamese from Thailand totalled 179 people from 1979 to the end of 1990. However, during the first eight months of 1991, a total of 1,424 boat people reportedly left Thailand for home. *Ibid.*, 1992, p. 21

⁷⁷ Derived from statistics in "UNHCR... As of 31 December 1991," (cover page), and "Statistics of Indo-Chinese Asylum Seekers, I. Arrivals/Admissions to Screening;" and "III. Voluntary Repatriation," 12.

During September 17-19, 1991, the RTG Foreign Minister, Arsa Sarasin, met in Ho Chi Minh City with Vietnamese Premier Vo Van Kiet; and, according to a joint communique, they agreed on a number of confidence-building measures, including the release of Thai and Vietnamese fishermen and the grant-

As far as Thai policy planners were concerned, the trend with respect to the Vietnamese refugees in Thailand during 1992, were rather disappointing: While a total of 2,719 Vietnamese asylum seekers volunteered to return to their homeland during the year and 760 were resettled, a additional 1,172 Vietnamese were screened in and admitted to the UNHCR camps, leaving a population of 1,059 in the camps and 8,736 in detention centers by the end of the year.⁷⁸ Thai officials continued to hope, however, that as the Vietnam continues the process of political reform and opening her economy to Western trade and investment, conditions will so improve in that country that most, if not all of the Vietnamese in the detention centers and, perhaps, even some of the refugees from the French Indochina War era, will be encouraged to volunteer for repatriation in the near future.

ing of Thai citizenship to "old" Vietnamese refugees in Thailand. *Keesing's* (September 1991): 38436.

⁷⁸ "UNHCR... As of 31 October 1992, "Statistics of Indo-Chinese Refugees, IVC. Voluntary Repatriation Summary," 10; "IVB. Departures to Resettlement Countries," 8; and I. Arrivals/ Admissions to Screening," 12.

Of the total of 142,253 Vietnamese resettled from 1975 through 31 October 1992, 106,258 had come in by land and 35,995 by sea. *Ibid.*, "Statistics of Indo-Chinese Refugees, IVB. Departures to Resettlement Countries," 8.

PART THREE: THAILAND AND THE LAOTIANS

Chapter VII: Thailand & the Lao People's Democratic Republic

As the Pathet Lao (the Laotian communist movement) and their Vietnamese allies steadily expanded their military control over Laos, tens of thousands of ethnic Lao (or Meo, as they are called by the Thais) began to move south in order to escape across the Mekong into Thailand. The communists attempted to block this escape owing to the fear that the refugees would establish rebel bases in Thailand from which to threaten the regime.

For their part, Thai policy planners were also in favor of preventing asylum seekers from entering Thai territory: Not only could Thailand ill afford the cost of caring for such people, but their presence on Thai soil might well serve to prolong the process of achieving normal relations with both Vientiane and Hanoi. The flight of large numbers of educated Lao, in particular, was also quite likely to make Laos more dependent on Vietnamese "advisors" and thereby delay the day when the Thai would be able to displace the Vietnamese influence and reassert their traditional hegemonic role in that country.

The fiercely anti-communist Hmong refugees were likely to be extremely difficult to repatriate and, owing to their relatively primitive cultural level, unlikely candidates for large-scale resettlement outside of the region. There was also concern that the presence of large numbers of Laotian Hmong on Thai soil would com-

plicate the efforts of the Thais to deal with Thailand's own minorities in the border provinces.

The Tragedy of the Hmong

From early 1962 until the fall of Vientiane in April 1975, warriors of the Hmong tribe, organized under General Vang Pao, had been fighting the Pathet Lao and Vietnamese forces in Laos. Supplied and financed by the U.S. Central Intelligence Agency, the Hmong army of some 40,000 men served to deny much of northern Laos to the communists; and, in the process, had tied down at least two division of North Vietnamese troops which might otherwise have been free to fight in South Vietnam¹

During the early months of 1975, as the communist forces in South Vietnam and Cambodia were moving toward their final victories, the Pathet Lao rebels stepped up their encroachments in areas of Laos under the nominal control of the Royal Laotian Government, in blatant violation of a peace agreement which had been concluded between all of the various political factions in Laos

¹ "The Hmong paid a high price for the U.S. involvement. By the end of the civil war in 1975, they had suffered casualty rates proportionally tens times higher than those of Americans who fought in Vietnam, according to an April 1985 study for the U.S. Department of health and Human Services (HHS). The study notes that an important promise by U.S. officials preceded such losses. 'There can be no doubt that assurances were made to support the Hmong during the war, and to provide (them with) assistance in the event Laos was lost to the communists,' it says.

"Trapped amidst the war's offensives and counter-offensives, by 1971, about one-third of the Hmong in Laos were uprooted by combat. Two years later, Hmong represented nearly one-third of the 370,000 displaced persons who were receiving government support in Laos, and they eventually became 'the Laotian group most affected by the war,' according to the HHS report." Joseph Cerquone, "Refugees from Laos: In Harms Way," (Washington: U.S. Committee for Refugees, 1986): 4.

in 1973. Though the Hmong forces had been nominally integrated into the Royal Lao Army since the 1973 agreement, they remained independent and served as the government's most effective troops available to block the Pathet Lao advance on Vientiane.

Deprived of adequate food and military supplies, a thousand-man contingent of Hmong troops was finally routed by the Pathet Lao at a battle about 90 miles north of the capital; and the Hmong command structure began to crumble. General Vang Pao fled to Thailand and many of his followers, fearing reprisals by the communists, decided to flee as well. With the way to Vientiane now open to the communists, many ethnic Lao also decided to seek refuge in Thailand. By August 1975, about 25,000 Hmong and some 3,000 Lao had crossed into Thailand's northern provinces.²

Though several anti-communist ministers resigned and left the country, the coalition government of Laos continued to function. Fearing that the refugees in Thailand might be permitted to organize an invasion or engage in subversive activities, the Laotian government issued a statement (May 17, 1975) calling on the governments of all neighboring countries "to refrain from granting these people political asylum so as to avoid misunderstandings which would affect the existing good relations between Laos and those countries." The government also appealed to the refugees to return, promised an amnesty for all who repented of their "crimes against the people," and tightened controls on both domestic and foreign travel.

² *Keesing's* (August 18-24, 1975): 27278-9.

The Thai government responded on June 11 by assuring Laos that General Vang Pao and his principle lieutenants would be expelled from Thailand, that the Hmong refugees would eventually be returned to Laos, and that Laotian nationals in Thailand would not be permitted to create disturbances in Laos. General Vang Pao reportedly left Bangkok for Paris a week later.³

Border Hostilities and Diplomacy

Notwithstanding Thai assurances, the Laotian government, which by this time had come under the complete control of the Pathet Lao, demanded that Thailand close its consulates in Pakse and Savannakhat. Formal diplomatic ties were never broken between the two nations (or between Laos and the United States), but almost daily clashes between frontier guards or patrol boats along the Mekong during June and early July 1975 caused the Thais to close the border (July 18). Since Vientiane, the primary population center of Laos, was then, and is still today heavily dependent on supplies shipped from or through Thailand, the blockade had very serious repercussions on the Laotian economy.⁴

During August and September, relations with Laos improved somewhat as the Laotians released two Thai military attaches whom they had held for two weeks and only minor incidents were reported along the Thai-Lao frontier. In return, the Thais reopened the border, ordered Hmong refugees to withdraw

³ *Ibid.*

⁴ *Ibid.*, (30 January 1976): 27542.

from border areas, and denied a request from General Vang Pao to return to Thailand.⁵

Despite these measures, rumors persisted that refugee groups inside Thailand, with the covert support of Thai officials, were assisting anti-communist guerrillas in Laos. In late October, foreign correspondents revealed that about 5,000 former members of Vang Pao's army had attacked communist bases north of Vientiane. The Laotian authorities formally accused Thailand of aiding the rebels.⁶

On November 17, a Thai patrol boat was fired upon about eight miles south of Vientiane, and a crewman was killed. The Thais retaliated by again closing the border; and, during the weeks which followed, the Vietnamese and their Soviet advisers were obliged to ship food and fuel into Vientiane by plane and truck.⁷

During the early months of 1976, relations between Laos and Thailand continued to be strained owing to frequent border incidents, many of which were believed to have been caused by refugees using Thai territory as a base for raids into Laos.⁸ The situation was further complicated in June when heavy fighting broke out between Thai troops and Thai communist guerrillas in Petchaburi province, near the Laotian border. A Thai military plane was shot down, twenty-eight Thai soldiers were killed and

⁵ *Ibid.*, 27541.

⁶ *Ibid.* and *Facts on File* (8 November 1975): 833.

⁷ *Keesing's* (30 January 1976): 27542.

⁸ The most serious of the border incidents occurred on May 20, when a Thai police patrol was ambushed while interrogating two Laotians who were suspected of illegal entry. Six policemen were killed and two others seriously wounded. *Ibid.* (17 December 1976): 28101.

eighty-five seriously wounded; and the guerrillas reportedly lost over 150 dead. In an apparent effort to calm the situation, Prime Minister Seni assured the Thai House of Representatives that there was no evidence to support allegations that the Thai guerrillas were receiving military aid from neighboring communist regimes. However, a few weeks later, the Royal Thai Army Chief of Staff, General Pralong Veerapreey, publicly charged that the guerrillas were indeed receiving such support from Thailand's neighbors.⁹

A series of diplomatic exchanges between Thailand and Laos beginning in June 1976 finally resulted in a meeting between the foreign ministers of the two states (August 3). The two officials agreed that the border would be reopened, that all Thais held in Laos would be free to return home, and that Laos would welcome the return of all refugees who desired to live in peace under the new regime. By this time, about 100,000 refugees had fled Laos for Thailand and other countries. Of these, over 45,000 Hmong and some 15,000 Lao had found a haven in Thailand's northern provinces and more were entering at the rate of about 1,000 per month.¹⁰

⁹ *Ibid.*

¹⁰ *Facts on File* (7 May 1977): 337; and *Keesing's* (26 March 1976): 27648.

"Severe punishment awaited thousands of Laotians who remained behind. 'Reeducation,' a harsh system of detention, was instituted for officials, soldiers, and sympathizers of the former government. At one time, the government of Laos said that between 10,000 and 15,000 Laotians were sent to reeducation camps, but other estimates have put the number many times higher. Those who were taken into custody were banished to camps in remote areas of Laos and subjected to hard labor, meager rations, and separation from their families. More were sent to the camps, per capita, in Laos than in Vietnam, and conditions were much more harsh, with less food available and medical care almost nonexistent, according to some authorities." Cerquone, "Refugees from Laos," 5.

"Harsh economic and political conditions had spurred the departure of many of the Laotians. Many shops were closed because their owners had left

Though the Kriangsak Government, which had come into power as a result of the coup of October 1976, had pledged to seek an accommodation with Thailand's communist neighbors, intermittent hostilities continued along the Thai-Laotian frontier, particularly in the area of the Thai provinces of Loei and Nong Chai. It became apparent that the Thai provincial authorities were either unwilling or unable to prevent rebel forays into Laos from Thai territory.

On April 1977, matters came to a head when the Laotian government informed the Thais that rebels had seized an island in the Mekong not far from Vientiane, apparently with the support of Thai authorities in the area. The Laotians requested that the Thais prevent the rebels from getting supplies from Thailand or retreating into Thai territory. The RTG replied that it wished to maintain friendly relations with Laos and would not become involved in the activities of the rebels. After a second Mekong island had been seized, the Laotians informed the Thais of their intention to recapture both islands and repeated their request that the rebels not be permitted to escape into Thailand.

The Laotian army recaptured the islands (April 11) and reported that eight of the rebels had been killed and the remainder

the country. The few that remained open had little to sell, and most people had no money to purchase anything but the essentials. Fruit and vegetables were plentiful, but the high cost of meat and fish was beyond the reach of the average wage earner. The government, unable to control soaring inflation, tacitly sanctioned a flourishing black market in foreign currency and commodities.

"About 30,000 persons were in re-education centers throughout the country, including most senior officials and police and military officers of the previous government..." *Facts on File* (7 May 1977): 337.

had crossed into Thailand. The RTG denied that any of the rebels were on Thai territory or had received any assistance from Thailand. On the following day, however, the Laotian authorities produced two captured rebels who testified to newsmen that they had received military training in refugee camps in Thailand and had been supplied by Thai officials. The Laotians then filed a formal protest, closed their border with Thailand, and declared a military state of alert.¹¹

During a meeting of ministers of the U.N. Economic and Social Commission for Asia and the Pacific (ESCAP), held in Bangkok on April 20-30, the Laotians and Thais acceded to a suggestion by the Vietnamese that they enter into discussions to settle their differences. The two nations also agreed to cooperate with the Vietnamese in establishing coordinating committees to discuss the implementation of longstanding plans to develop the Mekong River basin.¹²

Even while this attempt at rapprochement was in progress, hostilities continued along the Thai-Laotian border: The Thais protested about three incidents in May and June in which Thai fishermen were fired on or abducted and two incidents in June in which Laotian troops fired at escaping refugees and damaged buildings in Thailand. The Laotians replied with charges that Thai artillery, gunboats and aircraft had fired on Laotian territory.

In September, it was reported that Vientiane had received twenty Soviet MIG fighter planes; and the RTG quickly responded by

¹¹ *Keesing's* (19 August 1977): 28511; and *Facts on File* (23 April 1977): 305.

¹² For a comprehensive report on the long-awaited Mekong River Development Program, see *FEER*, 23 February 1979, 89-90.

imposing an embargo on all “strategic supplies” for Laos, including food and fuel. The Laotians retaliated by suspending all flights from Vientiane to Bangkok and postponing talks with Thailand and Vietnam on overflight rights. The embargo was finally lifted on November 29 and flights were resumed between Vientiane and Bangkok soon afterwards.¹³

In October 1977, the Pathet Lao and their Vietnamese allies launched an offensive against Hmong guerrillas in a hilly region about 100 miles north of Vientiane. Reports from refugees indicated that some 60,000 men, women and children had been surrounded by about 30,000 communist troops, including Vietnamese regiments supported by planes, helicopters and artillery. More than 5,000 Hmong soldiers were reported killed and “many more” women and children were killed or captured.¹⁴ Though the Pathet Lao had increased security measures along the frontier, thousands more Hmong refugees streamed into Thailand during November and December.

The Problem of Forced Repatriation

As noted above, the RTG had entered into an agreement with the UNHCR in July 1977, whereby the Thais pledged to detain “illegal immigrants” until they could be returned to their homeland under the auspices of the UNHCR. Though the agreement was to have gone into effect in November, that same month the authorities

¹³ *Keesing's* (19 August 1977): 28511 and (13 January 1978): 28770.

¹⁴ *Bangkok Post*, 1 December 1977 and 7 December 1977. See also *Asiaweek*, 10 March 1978, 37-8.

of at least one province, Ubon Ratchathani, forcibly repatriated at least 300 Laotians.¹⁵ Later that month, Prime Minister Kriangsak told a meeting of provincial governors, some of whom were reported to have aided raids by the refugees into Laos and Cambodia and to have hindered trade with the communists, that they must now come into line with his official policy of establishing good relations with all three communist regimes of Indochina. Within a week of this meeting, several Laotian and Cambodian refugee leaders were expelled from Thailand.¹⁶

Following the revelation that the RTG had violated its agreement not to forcibly expel or repatriate refugees, a spokesman for the UNHCR protested that the agency could not "accept the returning of people to Laos without having the opportunity to see

¹⁵ The governor of the province, Pramoon Chanchamnong, disclosed in a press interview in February 1978 that the policy of repatriating "economic refugees" had been initiated on November 15. The refugees were sometimes turned over to Laotian border police who mistreated them in the sight of Thai officials. On one occasion, foreign correspondents reported that a Laotian woman and her two daughters were killed by border guards after they had been driven back into Laos. *Facts on File* (3 March 1978): 139.

"We push them back," Governor Pramoon said. "When they come across the Mekong, we put them back in their boat and send them back. If we catch them coming across where the border is through the forest, we send them back to Laos."

"The Governor said that when refugees are caught in the vicinity of a border crossing station, 'we give them back to the Lao police.' He added, 'They treat them very hard...'

"The provincial police chief, Col. Udom Amnchai said: 'It is necessary. If we take some, more and more will come, and we are a poor country., I feel sorry for them, but it is necessary. Unless they will definitely be killed in Laos, we send them back.'

"... The Governor professed sympathy for the refugees' plight. How many may have been sent back from provinces with governors who are less sympathetic to the Laotians is not known. But in at least one province, a governor told American visitors that he was being criticized by the Interior Ministry for not having forced back into Laos a group of recent refugees." Henry Kamm, "Thais returning refugees to Laos, sometimes to official mistreatment," *New York Times*, 18 February 1978.

¹⁶ *Keesing's* (10 March 1978): 28863.

these people before any drastic action is taken.” The U.S. Embassy also protested the policy of forced repatriation, noting that, regardless of the reasons why refugees had fled, the communists would regard their flight as a political act and would subject them to political persecution.¹⁷ In light of the adverse publicity, the RTG apparently decided to refrain from permitting additional forced repatriations and to focus instead on pressuring the United States and other concerned countries to resettle the Lao, Hmong and other refugees on Thai soil at a much faster rate.

In mid-December 1978, Hmong refugees reported that their villages had been attacked by predominantly Hmong forces of the Pathet Lao army. These attacks and a joint Laotian-Vietnamese offensive against Hmong tribal concentrations in February 1979, resulted in many civilian casualties and over 600 more Hmong refugees crossing into the Thai province of Nong Chai. By March, estimates of the number of Hmong, Lao and other refugees streaming into Thailand from Laos, both registered and unregistered, ranged as high as 250,000, making by far the largest per capita migration of refugees in Southeast Asia.¹⁸

Attempts at Rapprochement with the LPDR

Soon after General Kriangsak became prime minister in November 1977, he took steps to improve diplomatic relations with Laos and the other neighboring communist states. In March 1978, he

¹⁷ Henry Kamm, “Thais returning refugees to Laos...,” *New York Times*, 18 February 1978.

¹⁸ *Facts on File* (7 April 1979): 237.

welcomed the Laotian foreign minister, General Phoun Siprseuth, to Bangkok and, in the talks which ensued, the two officials agreed that provincial representatives of both nations should meet for consultations in the event of any further border incidents, that negotiations be held concerning the expansion of trade and the transit of goods through Thailand, and that the opening of more border posts be considered. The Thai foreign minister, Dr. Uppadit Panchariyangkun, visited Vientiane in late May and engaged in negotiations for trade and transit agreements.¹⁹

By this time, the Laotian government had ended its neutrality in the ongoing dispute between the Soviet Union and China and declared its "full support" for Vietnam in her disputes with China and Cambodia. There were also indications that the LPDR had cracked down on Thai communist exiles who had refused to shift their allegiance from China to the Soviet Union and Vietnam.²⁰

¹⁹ *Keesing's* (4 December 1981): 31223.

During this period, relations between the LPDR and France worsened owing to France's close ties with rebel exiles. In early July 1978, the Laotians expelled two French diplomats for allegedly having had contacts with anti-government rebels and having helped people leave the country illegally. France promptly withdrew her ambassador and most of her diplomatic mission. *Facts on File* (21 July 1978): 548; and *New York Times*, 1 July and 5 July 1978.

Diplomatic relations between Laos and France remained broken until December 1981. *Keesing's* (3 December 1982): 31830.

Laotian relations with the United States remained cordial during this period. In June, the U.S. State Department announced that Laos would receive \$5 million of American rice during 1978, marking the first U.S. aid to Indochina since the end of the Vietnam War. *New York Times*, 2 June 1978.

²⁰ *New York Times*, 20 July 1978; and *Facts on File* (11 August 1978): 603.

On March 2, 1979, the Soviet Union, as part of its propaganda campaign against China following the Vietnamese conquest of Cambodia and the Chinese invasion of Vietnam, charged that China was massing troops along the Laotian border. The charge was quickly picked up by Vietnam and Laos. The LPDR issued a protest to the Chinese alleging that Chinese troops had made incursions into portions of Laotian territory and also that China had refused the demand by Laos to withdraw some 3,000 construction

By the fall of 1978, all Vietnamese troops in Laos had been moved from the central provinces to the Sino-Laotian frontier in order to meet the increasing threat of hostilities from China; and this development encouraged the Thais to intensify their efforts towards normalization.

While the number of border incidents decreased considerably during 1978, Pathet Lao soldiers continued to fire at refugees attempting to cross the Mekong into Thailand. Three serious incidents involving Thai and Laotian patrol boats occurred in December,²¹ but Prime Minister Kriangsak, in his zeal to come to terms with the Laotian regime, proceeded with plans for an official visit to Vientiane on January 4-6, 1979. In the communique issued at the conclusion of his talks with the Laotian prime minister, Kaysone Phomvihane, the two leaders reaffirmed their support for the principles defined in the communique of August 3, 1976.²²

workers who had been building roads in northern Laos since the early 1960s. *Facts on File* (23 March 1979): 200.

By September 1978, the Chinese construction crews were withdrawn and Vietnamese troops were shifted to the northwestern frontier of Laos, "virtually cutting off Chinese access to the rest of Indochina." *Ibid.* (7 September 1979): 659 and *New York Times*, 21 September 1979. See also *FEER*, 6 April 1979, 8-9.

²¹ The brief series of clashes began on December 14, when a Thai patrol boat was reportedly fired upon from the Laotian side of the border across from Nong Khai. The boat was sunk and four crewmen wounded. A day later, another Thai patrol boat was attacked by Pathet Lao; a sailor was killed and the boat abandoned on the Laotian shore. On December 17, the Thai air force retaliated by strafing Pathet Lao positions near where the incident occurred and Thai patrol boats sank two Laotian escort craft and damaged a transport vessel.

There was much confusion over who was responsible for this chain of incidents. It was widely believed that it was the work of either smugglers or Thai communists who wished to impair relations between the two nations. *FEER*, 5 January 1979, 12-13; and *Keesing's* (4 December 1981): 31223.

²² "The two leaders affirmed that neither side would allow its territory to be used as a base for interference, intimidation or aggression against the other, and each would take effective measures to prevent any disputes and to

On April 1-4, 1979, Prime Minister Kaysone visited Bangkok for continued talks with the Thai prime minister; and, in a joint communique, the two leaders reaffirmed their desire to make the Mekong into "a river of genuine peace, friendship and mutual benefit" and pledged to "adopt necessary and effective measures" to prevent all dissident groups from using the the border areas as hiding places.²³

In mid-July, Prime Minister Kriangsak announced that the LPDR had agreed to expel all of the Thai student activists who had fled Thailand after the October 1976 coup to join Thai communist insurgents based in Laos.²⁴ It was also reported that the Thai military had intensified security operations along the border and had begun cooperating with Pathet Lao troops in preventing large numbers of Lao and Hmong refugees from entering Thailand.²⁵ At

resolve peacefully any problems which might occur. The two countries' border authorities would regularly meet to adopt measures to promote trade, contacts and safe traffic on the Mekong, and consultations at official level would be held on projects for agricultural cooperation." *Keesing's* (4 December 1981): 31223.

²³ "The agreement to co-operate against terrorists was an indirect result of the break between Laos and China, as Laos had in the past supported the Chinese Thai Communist Party. A Thai military spokesman stated on June 14, 1979 that the Lao Army had offered its co-operation in the suppression of the Thai Communists and had supplied information on the location of their bases in the border areas, whilst Vientiane Radio reported on June 22 that local security forces in Sayaboury province were energetically suppressing 'Thai Maoist reactionaries.'" *Ibid.*, 31224.

²⁴ *Bangkok Post*, 17 July 1979. See also *FEER*, 8 June 1979, 19-21.

²⁵ "In late July, refugee workers and witnesses report, 189 Meo tribespeople, including old women and children, tried to enter Thailand from a Laotian island in the Mekong River.

"Armed Thai troops barred their way. Later on, according the the sources' reports, Laotian forces arrived at the scene and attacked the island. Many of the Meo died - 40 by one version of events - and the rest were taken away by Laotian soldiers.

"Sources report other turnaways by the Thais at isolated parts of the border. Indeed, a senior provincial official recently told an American journalist that current policy was to let no one enter." John Burgess, "Accord

this time, the Thais also launched an offensive against communist guerrillas in Chiang Rai, the northern-most province of Thailand, which resulted in the capture of a major communist base (August 3).²⁶

The RTG Minister of the Interior, General Lek Naeomali, visited Vientiane during August 16-17 to formalize a memorandum of understanding in which the Thais agreed to prevent Hmong guerrillas from using Thai territory for attacks on Laos and the Laotians agreed to suppress Thai communist insurgents on their territory. The memorandum also called for the establishment of a border liaison committee which would intervene should any incidents take place and the opening of a fifth official passage across the Mekong for the transit of goods from Laos. In addition, the memorandum stated that the two governments would repatriate "illegal immigrants" from each other's territory; however, the Thais indicated that, of the Laotian refugees already on Thai soil, only those who volunteered to return would be repatriated.²⁷

with Vientiane: Thailand Tries to Limit Flow of Laotian Refugees," *Washington Post*, 25 August 1979.

²⁶ It was reported that at least 100 guerrillas were killed or wounded and that 20 Thai soldiers were killed and 103 wounded. Later in August, 35 Thai soldiers were killed in an attack on a hill held by the guerrillas.

On September 17, the governor of Nong Khai province announced that a large number of guerrillas who had been expelled from Laos had been captured "thanks to the friendly relations between Thailand and Laos and their cooperation in exchanging information." *Keesing's* (6 June 1980): 30278.

²⁷ *Bangkok Post*, 18 August 1979; and *Keesing's* (4 December 1981): 31224.

"Thai sources stressed the new repatriation accord would apply only to Laotians who volunteered to go home. The Laotian government would have to approve each case individually. The sources noted that since the Vientiane authorities considered most refugees to be socially undesirable, it probably would accept only a few.

"Foreign analysts, however, have raised questions on the definition of 'voluntary.' The Thai Foreign Ministry has insisted that the Cambodians

A Return to Border Hostilities

Following the resignation of Prime Minister Kriangsak and his replacement by General Prem (March 3, 1980), relations between Thailand and Laos deteriorated, owing most likely to the longstanding enmity between the two country's military commands which Prem was either unwilling or unable to restrain.²⁸ Most of the incidents involving Laotian and Thai troops occurred along the Mekong and were largely undertaken at the initiative of Laotian troops who were concerned with the suppression of cross-border raids by rebel groups.

In one incident in June, Laotian troops fired upon a Thai patrol boat allegedly in Laotian territorial waters on the Mekong, killing a Thai naval officer. The Thais retaliated by closing the

who returned in June went of their own free will. Reporters and refugee workers present when they left their camps maintain they were forced out.

"Many people who follow refugee affairs argue that a massive forced repatriation is unlikely for the time being. Thailand is anxious to improve relations with Laos and would not force on it thousands of people whom Laos has labeled CIA agents or criminals.

"This analysis has it that the Thais introduced the new accord to hold refugee rolls close to their current levels." John Burgess, "Accord with Vientiane," *Washington Post*, 25 August 1979.

According to official UNHCR reports, a total of some 5,000 Lao and 3,000 Hmong have volunteered to return home since the conclusion of the repatriation agreement. UNHCR... As of 30 November 1991, Statistics of Indochinese Refugees, IVC. Voluntary Repatriation Summary," 10.

²⁸ Soon after the August memorandum was concluded, there was speculation as to how long it would be before cooperation between the military leaders would break down. Relations between the military of the two nations were undoubtedly strained as a result of Thai resentment of the Laotian communist regime's close ties with Vietnam, Thailand's ancient enemy. There was also the matter of the harsh, repressive measures taken by the LPDR against its own people, for whom the Thais have a strong cultural affinity and with whom they have many family alliances. See John Burgess, "Accord with Vientiane," *Washington Post*, 25 August 1979.

two border crossings between Nong Khai and Vientiane provinces. Following a meeting of the border committee of the two provinces, the crossings were reopened. However, when the LPDR rejected a demand by the Thais for assurances that Thai patrol boats would not be fired upon, the RTG again closed the border (July 3).

A Laotian delegation visited Bangkok on July 21-23 to settle the dispute, but no agreement was reached; and the blockade was reported to have resulted in a serious food shortage in Vientiane. On July 31, the RTG agreed to reopen two border crossing points for the benefit of diplomatic and U.N. officials in Vientiane. Finally, on August 29, the Thais reopened the border after having received unspecified assurances from the LPDR.

Another series of incidents began on January 20, 1981, when Thai troops were alleged to have fired upon a Laotian cargo boat, killing the helmsman. Following the killing of two crewmen on another Laotian boat on January 27, the LPDR lodged a strong protest. The Thais denied that their troops had been responsible for the attacks and claimed that they had been carried out by persons on Laotian territory.

Yet another outbreak of hostilities took place during the last week of January and the first three weeks of February around an islet in the Mekong called Don Sangkhi, on the border between Nong Khai and Vientiane provinces. The Laotians alleged that Thai troops had repeatedly attacked the islet, which was Laotian territory; while the Thais claimed that Laotian troops on the islet had fired on villages in Nong Khai. The RTG closed the border on Febru-

ary 8, but re-opened it on February 22, after hostilities had subsided.²⁹

The Mekong border remained tranquil until October-November, when there was a recurrence of shooting incidents involving Laotian and Thai patrols. Notwithstanding the violence, however, the RTG persisted in its effort to achieve friendly relations with the LPDR by encouraging reciprocal ministerial visits.³⁰

On June 16, 1982, tensions again increased along the Mekong when Laotian troops on Don Sangkhi allegedly fired upon the nearby Thai village of Ban Mai, with the result that two Thai villagers were missing. On the following day, the Thai military reported that two Thai patrol boats had been fired upon from the islet, causing the sinking of one boat, the grounding of the other, and the death of two Thai villagers.

While the RTG issued an official protest concerning the two incidents, it continued to pursue its strategy of not allowing such hostile acts to impede the strengthening of relations with the Laotian regime: Soon after the incidents, the Thais concluded a ten-year agreement to purchase power from the Nam Ngum hydroelectric plant on the Laotian side of the Mekong.³¹

²⁹ *Keesing's* (4 December 1981): 31224.

³⁰ A Laotian delegation, led by General Phoune Sipaseuth, visited Bangkok on November 12-15 in order to encourage expanded ties; and, on March 5-6, 1982, the Thai Interior Minister, General Siddhi Chirarot, visited Vientiane and agreed that a third border crossing point would be opened between the Laotian town of Savannakhet and the Thai province of Nakhon Phanom. *Ibid.* (3 December 1982): 31830.

³¹ "The export of electricity from Nam Ngum to Thailand... was Lao's principal source of foreign exchange; sales of electricity were valued at \$23 million in 1984, compared with \$8 million in 1981." *Ibid.*, September 1986, p. 34620.

The "Border Village War"

Few incidents of consequence occurred along the border during 1983. However, in March 1984, a serious dispute broke out with respect to control of an area claimed by Thailand on the land border where the western Laotian province of Sayaboung meets the Thai province of Uttaradit. Thai sources reported that Laotian troops had encroached upon the territory, apparently for the purpose of preventing construction of a "strategic military" road near the villages of Ban Mai, Ban Klang, and Ban Sawang, containing a combined population of about 1,800 Lao-speaking people.

Lao soldiers clashed with Thai police and Rangers in the area on April 15; and subsequently occupied and fortified the three villages. The Thai military regained control of the villages on June 6, an act which Vientiane radio condemned as "an arrogant and open encroachment on Lao sovereignty."³²

Skirmishes continued in the area for several weeks, resulting in a few casualties. Finally, a Laotian delegation led by Deputy Foreign Minister Souban Salitthilat visited Bangkok during July 21-23 and August 7-15 for talks to resolve the conflicting claims with respect to the villages. The Thais proposed that the areas of the villages be declared a "free zone," from which the troops of both

It should be noted, however, that the Thais continued to refuse to cooperate in the efforts of the International Mekong Committee to promote research and exploitation of the lower Mekong, owing to the presence on the Committee of the Heng Samrin regime. The Committee was established by Thailand, Laos and Vietnam in January 1978. *Ibid.* (3 December 1982): 31830.

³² *Ibid.* (June 1985): 33662.

sides would be withdrawn pending a survey by a joint technical team to determine the border. The Laotians refused to agree to this and the Thais responded by breaking off further negotiations.³³

On September 1, Laotian troops attacked a military post near one of the disputed villages, killing two Thai border policemen. On September 2 and 13, the Laotians attacked road construction personnel and equipment, resulting in the death of a Thai mechanic and the wounding of five construction workers. The RTG announced on September 18 that it would lodge a complaint with the United Nations concerning these attacks.

In an address to the U. N. General Assembly on October 2, Thai Foreign Minister Siddhi announced that Thai forces would be withdrawn from the three villages in order to alleviate tension and promote a resolution of the dispute. He also reiterated the long-standing policy of his government not to allow such a dispute to impede efforts to establish friendly relations between Thailand and Laos.

On October 15, the Thai military announced that all Thai forces had been withdrawn from the disputed area. However, the Laotians claimed that the Thais continued to occupy strategically

³³ "In support of their position the Lao delegation cited a border treaty of 1907 between France and Siam (Thailand) and a map produced by a Franco-Siamese Border Demarcation Committee at that time, which was said to show the area of the three villages as Lao territory. The Lao delegation also cited the precedent of the so-called Preah Vihear border dispute between Thailand and Cambodia in 1962, when the International Court of Justice based its ruling on the Franco-Siamese border agreement, as confirmation of the legal validity of that agreement...

"... Thai maps published in 1978 suggested that the area of the three villages was in Thai territory." *Ibid.*

important high ground near the disputed villages. Laotian calls for new talks on the problem were rejected by the RTG.

On December 10, the Thai Foreign Ministry announced that a letter had been sent to the LPDR, stating that the withdrawal of Thai troops had resolved the dispute and that the nearby Thai road had been rerouted even though sovereignty over the area was yet to be determined. The Thais also indicated that the villagers who had fled the hostilities and sought refuge in Thailand were free to return to their homes, and that thirty families had in fact already returned.³⁴

Laotian and Thai troops in the vicinity of the villages continued to clash frequently, however; and on May 15, 1985, the area of conflict expanded when Thai troops attacked a Lao villages on the banks of the Mekong in another region which was the subject of conflicting claims by the two nations. At this time, the RTG announced that it had a number of territorial claims on Laos, which had not been previously disclosed.³⁵

During July 29-August 3, 1985, a Thai delegation visited Vientiane to discuss a number of bilateral issues, including those relating to the disputed border territories, and to participate in a plenary meeting of the interim International Mekong Committee. The delegation was unable to resolve the border problem and, following the breakdown in negotiations, there appeared to be a marked increase in hostilities along the frontier.³⁶

³⁴ *Ibid.*

³⁵ See *FEER*, 22 August 1985; cited in *ibid.*

³⁶ On August 10, a Thai policeman was killed in cross-border shooting; and a report in the *Bangkok Post* alleged that 13 Thai villagers had been abducted

Scattered incidents continued to occur along the border during 1986, the most serious of which took place on June 14, when Laotian forces reportedly attacked a Thai border village near Chiang Khan, killing thirty-five and wounding sixteen. According to U.S. observers, the village was inhabited by 140 Lao who had crossed into Thailand within the previous two months.³⁷

Though the issue of the disputed villages remained unresolved, relations appeared to improve markedly toward the end of the year. In late November, a senior Thai delegation Vientiane for discussions on outstanding issues and both sides agreed to halt propaganda attacks on one another.³⁸

On February 18, 1987, the RTG announced that, as a gesture of good will, it had agreed to reduce the number of "strategic goods" banned for export to Laos from 273 to sixty-one. Nevertheless, in May, the Laotians accused the Thais of massing troops to protect illegal logging operations in a region on the land border where the Laotian province of Sayaboury adjoins the Thai province of Phitsanuloke.

In August, the Thais alleged that some 200 Laotian troops had attacked a Thai military post in the disputed region at Ban Rom Klao. Notwithstanding this military provocation, the Thais went

from their homes in the Thung Chang district and murdered by Laotian soldiers on September 8. The *Post* also reported that Laotian troops had crossed the Mekong on February 1, 1986 and attacked Thai villages in the Khemara! district, causing the death of five inhabitants. *Ibid.* (September 1986): 34619.

³⁷ *New York Times*, 16 June 1986; cited in *ibid.*; and USCR *Refugee Reports*, 7, no. 7 (11 July 1986): 9-10.

³⁸ *Ibid.*

ahead with an agreement to purchase an increased amount of electricity from the Ngam Ngum hydroelectric plant.³⁹

"Operation Soi Dao"

Following a build-up of troops in the region, the Thai military launched a large-scale offensive, named "Operation Soi Dao," in November 1987 in order to drive the Laotians from the disputed territories. Thai forces backed by artillery and air strikes were unable to dislodge the Laotians; and a cease-fire was finally declared on February 19, 1988, with troops of both nations being withdrawn from the battle-line two days later.⁴⁰

Tension between Laos and Thailand declined markedly in early 1988, when Western diplomatic sources confirmed that there had been a significant reduction in the number of Vietnamese troops in Laos, at the same time that the Vietnamese were announcing troop

³⁹ *Keesing's* (November 1988): 36292 and (March 1988): 35744.

Notwithstanding the conflict between Thailand and Laos, the LPDR was able to restore normal diplomatic relations with China (November 30, 1987), which had been broken off in 1979, following the Vietnamese invasion of Cambodia.

⁴⁰ The cease-fire agreement came at the end of two days of talks in Bangkok between the Thai army commander, General Chavalit Yongchaiyudh, and the chief of staff of the Laotian army, General Sisavat Keobounphan.

The Laotian General declared that he and General Chavalit had agreed that "from now on, our supreme commands will wage no more war, end all clashes in the air, along rivers and along the Laos-Thai border." The two military leaders also declared that they would ask their respective governments to begin talks by March 5 to resolve all border disputes. *Facts on File* (26 February 1988): 117.

General Chavalit reported that more than 200 Laotian soldiers had been killed in the three-month conflict and that Thai losses were about one-fourth to one-third as high. *Ibid.* Unofficial reports indicated that a total of about 700 Lao and Thai troops had been killed in the fighting. *Keesing's* (November 1988): 36292.

withdrawals in Cambodia.⁴¹ As the border cease-fire continued to hold, the Laotian government was able to focus on much needed political and economic reforms which had the effect of further strengthening ties with Thailand and her allies.⁴²

Coming to Terms with the LPDR

A series of diplomatic exchanges culminated in the visit to Vientiane of Thai Prime Minister Chatichai on November 24-25, 1988, marking the first official visit to Laos by a Thai Prime Minister in ten years. A few weeks later, Thailand and Laos concluded an agreement (December 29), which called for arbitration by a joint border committee to resolve the Ban Rom Klao territorial dispute.⁴³

⁴¹ In a report issued on May 26, 1988, the Vietnamese claimed they had halved their military forces in Laos to about 25,000 men. *Ibid.*, 36293.

⁴² A severe drought in Laos' main rice-producing regions, the southern and central provinces, resulted in serious rice shortages by the fall of 1988. This prompted the LPDR to attempt to improve its management of the economy and to request additional economic assistance from the United States, Japan and other traditional aid donors. During this period, the Laotians also moved to tighten their military command structure, apparently in order to better control the business activities of the Laotian military with commercial interests in Thailand. *Ibid.* (November 1989): 37089.

The LPDR also was able to improve internal security during this period: In October 1988, the government reported the capture of the chief of staff of the United Front for the National Liberation of the Lao People (ULNLF). That same month, it announced the release of about 140 political prisoners, including many high-ranking officers and officials from the previous regime. *Ibid.*, 37089-90.

A year later, however, the Secretary General of the ULNLF, Vang Shur declared (15 December 1989) that his resistance forces, which he claimed to number some 10,000 men, now controlled many small villages and remote areas in northern Laos. While Thai intelligence sources confirmed the existence of several small resistance groups in Laos, they could not confirm Vang's claims. *Ibid.* (September 1990): 37286.

⁴³ *Ibid.* (November 1989): 37090.

The Joint Border Committee appointed a technical group in April 1989 to survey and make recommendations concerning the disputed territory. The Committee convened in Vientiane on January 4-6, 1990 in order to discuss the group's report. It was decided that the group be directed to continue its study

On January 14, 1989, the two nations signalled their growing friendship by signing a trade memorandum in Vientiane. During the following month (February 18), the Chairman of the Laotian Council of Ministers and LPDR General Secretary Kaysone Phomvihane came to Bangkok on an official visit to discuss how additional improvements in relations could be achieved.

In an address delivered to the first Laotian conference on forestry in Vientiane (May 22-28), the Kaysone declared that all timber exports would be halted owing to serious deforestation which he blamed for the country's recent drought and flooding.⁴⁴ Notwithstanding this setback to Laotian-Thai trade, efforts to expand commercial and cultural ties continued; and, in early October, the Laotians announced that they had agreed to the establishment of a Joint Development Bank under Thai control, the first foreign-controlled, private commercial bank in Laos, and intergovernmental "cooperation committees" to promote further commercial, cultural, scientific and technical exchanges between the two nations. This was followed a few weeks later by a decision by the Thai cabinet to lift the ban on the export of all "strategic goods" to Laos.⁴⁵

During the following months, regular governmental and military contacts between the two nations resulted in a variety of significant cooperative measures, including expanded air services,

of the legal aspects of the matter and to prepare recommendations. *Ibid.* (February 1990): 37287.

⁴⁴ In light of Thailand's increasing restrictions on logging activities on her own territory, Thai commercial interests had looked to Laos and Burma as their major suppliers of timber: Log exports from Laos increased in value from \$7.8 million in 1986 to \$32.8 in 1987. *Ibid.* (November 1989): 37090.

⁴⁵ *Ibid.* (February 1990): 37286.

the conclusion of an investment protection agreement, and the establishment of a "friendship association" to promote cultural exchanges. Following the February 1991 coup in Thailand, the Thai commander-in-chief, General Suchinda Kraprayoon, visited Vientiane to assure the Laotians of Thailand's continued interest in friendly relations. In order to diffuse tension along the frontier, the General quickly reached an agreement with Laotian leaders to withdraw all military forces from disputed border territories.⁴⁶ Since the completion of the military disengagement, the Thais have managed to regain their traditional position of economic and cultural primacy in Laos.

⁴⁶ The withdrawals began on March 13 and were completed by March 19. *Ibid.* (March 1991): 38100.

Chapter VIII: Thai Policy Towards the Lao & Hilltribe Refugees

Apart from the hundreds of thousands of Khmer refugees who have been held along the Thai-Khmer frontier, the largest contingents of Indochinese refugees who have sought refuge in Thailand have come from Laos. Even before the formal declaration of the Lao People's Democratic Republic (LPDR) on December 2, 1975, some 44,000 hilltribe people, including 34,000 Hmong and over 9,000 ethnic Lao, had already managed to enter the country and gain sanctuary in camps which the RTG had permitted to be hurriedly established under the auspices of the UNHCR.¹ The largest camps were set up near Nan (14,000 Hmong and Lao), Khon Kaen (12,000 Hmong) and Ubon (500 Lao).²

Since the communist victories of 1975, a total of over 199,000 Lao and 121,000 tribespeople, or roughly ten percent of the entire population of Laos, have found asylum in UNHCR camps in Thai-

¹ "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand As of 30 November 1991, Statistics of Indo-Chinese Refugees, II. Population Summary by Ethnic Group," 3.

"In addition to the Hmong another 10,000 highlanders of other ethnicities - primarily Thai Dam, Nung and Mien - sought refuge in Thailand in 1975. The Tai Dam and Nung, who numbered about 2,000, had originally left Vietnam after the 1954 Geneva Accords." Robinson, 220; data derived from Bernard J. Van-es-Beeck, "Refugees from Laos: 1975-1979," in *Contemporary Laos: Studies in the Politics and Society of the Lao People's Democratic Republic*, ed. Martin Stuart-Fox (St. Lucia, Queensland: Univ. of Queensland Press, 1982), 324-5.

"Non-Hmong Hilltribes people continued to leave Laos but their population in Thai camps never exceeded 13,500. As of July 1988, there were 7,704 non-Hmong highlanders in Thailand, including 3,629 Mien. Robinson, fn. #13, 238.

² U.S. Congress. House. "Refugees from Indochina: Hearings before the Subcommittee," Committee on the Judiciary, Subcommittee on Immigration, Citizenship and International Law (Washington: USGPO, 1976): 726, cited in *ibid.*, 219.

land.³ In addition, an estimated 50,000 Lao, Hmong and other Laotian tribespeople have crossed into northeast Thailand where, as one observer put it, "they have been absorbed by their ethnic cousins."⁴

The Lao Refugee Surge

By the middle of 1976, the UNHCR had become involved in a large-scale effort within Laos to help relocate the hundreds of thousands of people who had been displaced during the civil war. The organization was concerned that offers by the United States and other countries to resettle Laotian refugees would disrupt the relocation program by inducing large numbers of people to leave Laos who might not otherwise do so.⁵ Thai policy-planners shared

³ By the end of 1977, the United States had taken from Thailand a total of about 6,000 Vietnamese, 5,000 Cambodians and 12,000 Lao and Meo; Malaysia had accepted 1,400 Muslim Cham from Cambodia; Australia had accepted over 600 Vietnamese, 300 Cambodians, and 600 Lao and Hmong; and the balance of some 1,400 Vietnamese, 400 Cambodians, and 130 Lao and Hmong had been accepted by Canada, Norway, and several other countries. Information provided by the UNHCR Office, Bangkok, May 1978.

As of October 1992, a total of 182,787 Lao and 121,122 Laotian tribespeople have been resettled outside of the region. The United States alone took in about 66 percent of these Lao and 90 percent of the tribespeople. Derived from "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand As of 31 October 1992, Statistics of Indo-Chinese Refugees, IVB. Departures to Resettlement Countries," 8.

⁴ USCR *World Refugee Survey, 1983*, 67."

See also U.S. Department of State Country Reports on the World Refugee Situation: "Report to the Congress for Fiscal Year 1987," Washington, 49, cited in Robinson, 215.

⁵ "In August 1975 the (U.S.) Attorney General, in consultation with the Department of State and with Congress, authorized the admission of the first group of Laotian refugees, totalling 3,466 people, under the 'Lao Parole Program.' Less than a year later, in May 1976, the U.S. government instituted the 'Extended Parole Program,' which allowed for the resettlement of an additional 11,000 land refugees, mostly Laotians, but including also a small number of Cambodians and Vietnamese.

this concern and also feared that any depopulation of Laos would make it easier for the Vietnamese to maintain their presence and influence in that country.

For several years, Laos had experienced a severe drought which, along with the new communist regime's policies of tight economic controls, high agricultural taxes and forced collectivization of agriculture, resulted in food shortages and widespread discontent. These were the primary factors which prompted many Laotians to leave their country, but some were also induced to leave by the possibility of joining relatives in the United States, France, and other countries offering resettlement opportunities.⁶

The initial reaction of the Thai authorities to the thousands of incoming refugees was to deny them entry. Those asylum seekers who managed to cross the frontier were arrested, detained, fined, and, occasionally, as in the case of Ubon Rachathani, noted above, pushed back into Laos. According to the agreement entered into with the UNHCR in July 1977, however, the RTG had pledged to detain "illegal immigrants" until they could be resettled or returned to their homeland under the auspices of the U.N. agency.

"The United States was clearly acting out of a sense of obligation to its wartime allies in offering resettlement to former government and military officials and their families..." *Ibid.*, 220.

⁶ Robinson has noted: "It is impossible to calculate how many Lao would not have left their country if no resettlement opportunities had been available. Even without such prospects, Thailand had its attractions. It was just across the Mekong river, after all, linguistically and culturally compatible with a better economy and a (relatively) stable government. This is not to disparage the fear and desperation that forced so many to leave their homeland. It is to point out, nonetheless, that the patterns of Lao movement into Thailand closely follow the fluctuations in the asylum policies of Thailand as they offered, or withheld, access to resettlement." *Ibid.*, 222.

Table 3: Lao Refugees in UNHCR Camps in Thailand⁷

Year	Arrivals	Births	Resettled	Repatriated	Deaths	Camp Pop. (end of year.)
1975	10,195	NA	1,109	-	NA	9,086
1976	19,499	NA	11,221	-	NA	17,364
1977	18,070	NA	4,739	-	NA	30,695
1978	48,781	NA	10,426	-	NA	69,050
1979	22,045	NA	26,032	-	NA	65,063
1980	28,967	1,033	46,286	193	77	50,730
1981	16,377	1,116	21,822	279	55	33,337
1982	3,203	1,059	6,285	791	85	23,137
1983	4,571	756	5,712	515	83	20,697
1984	14,616	796	6,677	200	64	27,346
1985	13,344	1,259	4,797	101	110	37,019
1986	2,911	988	11,602	134	103	26,342
1987	2,672	812	9,643	33	89	20,889
1988	1,776	605	4,879	160	63	18,198
1989	876	430	3,310	1,424	37	15,112
1990	0	249	3,912	529	21	11,802
1991	0	212 _(Nov.)	3,760	539	25 _(Nov.)	6,699
1992	71	NA	672	1,773	NA	4,886 (95)
Total:	207,974	9,315 <small>(Nov. 91)</small>	182,884	6,671	812 <small>(Nov. 91)</small>	

⁷ Derived from "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand, As of 30 November 1991, Statistics of Indo-Chinese Refugees and Displaced Persons, Table 1, Overall Situation of Indo-Chinese Refugees in Thailand, 1975-Present," p. 2; "UNHCR... As of 31 December 1991, Statistics of Indo-Chinese Refugees, IVB. Departures to Resettlement Countries, 8; IVC. Voluntary Repatriation Summary," 10; and "Statistics Concerning Indo-Chinese in East and South East Asia for the Month of December 1992, UNHCR, Geneva, January 1993, Table II, (unnumbered).

Note: In order to account for a decrease on only 3,310 in the UNHCR camp population of Lao during 1990, when 3,912 were resettled, 529 repatriated, and there were 228 more births than deaths, we may assume that 903 "illegal aliens" were released from RTG detention centers and accorded refugee status in the camps.

UNHCR statistics indicate that, during 1991, 620 Lao asylum seekers entered Thailand or were admitted for screening and that 602 Lao were screened in and admitted to UNHCR camps. For some unexplained reason, these people were not counted in the "Arrivals" statistic for that year. "UNHCR... As of 31 December 1991, Statistics of Indo-Chinese Refugees, I. Arrivals/Admissions to Screening" and "II. Screened-Ins and Admitted (sic) to Camps," 12.

The figure in parentheses under Camp Population refers to Lao asylum seekers who were being held as "illegal aliens" in detention centers and denied opportunities for resettlement, as of the end of December, 1992.

All of the harsh measures by the Thais appeared to have done little to deter new arrivals: As indicated in Tables 3 above and 4 below, by the end of 1975, about 10,000 ethnic Lao and 45,000 non-Lao tribespeople from Laos had been registered in UNHCR camps on Thai territory. An additional 19,500 Lao and 7,000 tribespeople were received in the camps during 1976; and 18,000 more Lao and about 4,000 tribespeople arrived in 1977. During 1978, a total of almost 49,000 Lao entered the camps, an unprecedented number which was never to be equalled in subsequent years, along with a total of 8,000 tribespeople.

During 1979, large-scale military operations by Laotian and Vietnamese forces against the Hmong in Laos caused the population of Hmong in UNHCR camps to increase by 26,000, the largest annual increase in tribespeople since 1975. Though some 53,500 Lao and 26,000 tribespeople had been taken out of Thailand and resettled in third countries, mostly in the United States, during the year, some 65,000 Lao and about 62,000 tribespeople remained in the camps at year's end; and this prompted the RTG to enter into an agreement with the LPDR to facilitate the voluntary repatriation of refugees under the auspices of the UNHCR.

Only 193 Lao and 261 tribespeople volunteered for repatriation during 1980, but an unprecedented total of over 46,000 Lao and about 29,000 tribespeople were resettled in third countries.⁸ Nevertheless, about 29,000 additional Lao and almost

⁸ See Table 3 above, pg. 216 and Table 4 below, pg. 221.

The United States alone admitted 31,000 Lao and 27,000 tribespeople during 1980, the largest annual total of Laotians resettled in that country to date. Robinson, 223.

15,000 tribespeople arrived on Thai soil during that same year, leaving a camp population of almost 51,000 Lao and 54,000 tribespeople.

Concerned that the relatively high standard of living in the camps and the opportunity for resettlement was luring Laotians into Thailand, the Thai government announced that, as of January 1, 1981, in accordance with its policy of "humane deterrence," all newly arriving Lao would be placed in a new camp, Nakhon Phanom (or Na Pho) where they would be provided a more austere level of services than those afforded previous refugees and be denied access to resettlement.⁹

⁹ *Ibid.*, 225-6.

"US refugee officials generally approved of these new measures though not without misgivings. In August 1981 a special refugee advisory panel commissioned by the State Department and headed by Marshall Green filed its report on the Indochinese refugee programme: 'The prospect of an ongoing, substantial exodus strongly underlines the urgency for humane measures to deter the flow of increasing numbers of refugees whose reasons for fleeing derive more from normal migration motives than from fear of persecution. Certain deterrents, such as austere camps, sealing of borders, or keeping people in holding centers or refugee camps for long periods of time, are not attractive prospects. Yet these and other measures... must be considered.' 'The Indochinese Refugee Situation,' better known as the Green Report, in U.S. Congress, Senate Committee on Immigration and Refugee Policy, *Refugee Problems in Southeast Asia: 1981: Staff Report...*, 97th Congress, 2nd sess. (Washington: USGPO, 1982): 49; cited in *ibid.* 224.

Owing to the high priority given by the United States and other countries to the resettlement of Vietnamese refugees, a priority enthusiastically endorsed by the Thais, there was a marked decline in the number of Vietnamese in Thai camps during 1980: As indicated in Table 2 above, p. 143 almost 26,000 were resettled that year alone, leaving some 9,500 in the camps, compared with a camp population of over 39,000 at the end of 1979. During 1981, about 26,500 more Vietnamese were resettled, leaving only about 6,000 in the camps.

As also indicated in Table 2, the number of Khmer refugees in Thai camps peaked at over 147,000 in 1980. Almost 50,000 Khmer were resettled in 1981 and, with potential new arrivals blocked at the frontier by the border settlements policy, the camp population of Cambodians declined steadily thereafter. Hence the "humane deterrence" policy may be said to have been designed primarily to discourage potential Lao and hilltribe refugees.

During this same period, the LPDR began to moderate its policies of collectivization, relax tax regulations, and release political detainees. As indicated in Table 3, these measures and Thailand's deterrent policies combined to result in a marked decline in the number of Lao accepted in the UNHCR camps, from a total of almost 29,000 in 1980 to about 16,000 in 1981, some 3,200 in 1982, and about 4,600 in 1983.

The Laotian Hmong Resettlement Problem

During most of the years of the migration from Laos, there were consistently fewer Hmong and other tribespeople arriving on Thai territory than Lao. Not only was it more difficult to escape from the remote tribal lands than from the urban areas where the Lao were concentrated, but, as noted above, the Thais tended to be far less hospitable to incoming tribespeople than to the Lao with whom they felt a cultural bond.

Some Thai, noting the fierce anti-communist sentiment of the Hmong refugees, regarded their presence in Thailand as a means of improving security in the northern provinces. Most, however, feared that incoming Hmong might join dissident tribal groups and reawaken the "Red Meo" rebellion against Thai domination.

The influx of large numbers of Hmong and other tribespeople from Laos raised several other matters of serious concern to the Thais. First, it was clear that the relatively primitive cultural level of the tribespeople made them less attractive candidates for resettlement abroad than other Indochinese on

Thai soil; and, as a consequence, Thai leaders worried that proportionately more of them would be left to languish in the UNHCR camps for the indefinite future.

The fact that a number of their kinsmen in Laos continued to wage guerrilla warfare against the Laotian government, made it unlikely that a significant number of the Hmong would be accepted for repatriation by that government, even if the refugees were to choose that option. While Thai policy planners could hold to the hope that most, if not all of the Lao refugees who were not candidates for resettlement would eventually be encouraged to return to their homeland as conditions there improved, no such hope could be held for most of the Hmong, who were likely to remain in Thailand until their tribal leaders decided to put an end to the hostilities and encourage their people to accept repatriation of resettlement.

The Thais were well aware that should they attempt to empty the camps by forcibly repatriating the Hmong, at a time when hostilities were still going on in Laos, they would jeopardize their relations with the United States and other friendly powers upon whom Thailand was heavily dependent for her security and continued economic development. On the other hand, if they accepted the remaining alternative of allowing the Hmong to settle permanently in Thailand, they might set a dangerous precedent with respect to other refugee groups (e.g., the Karen tribespeople of Burma) and perhaps make it even more difficult to integrate the indigenous tribespeople of Thailand into the society of the nation.

Table 4: Laotian Hilltribe Refugees in UNHCR Camps in Thailand¹⁰

Year	Arrivals	Births	Resettled	Repatriated	Deaths	Camp Pop. (end of year.)
1975	44,659	NA	454	-	NA	44,205
1976	7,266	NA	4,593	-	NA	46,878
1977	3,873	NA	2,481	-	NA	48,270
1978	8,013	NA	5,424	-	NA	50,859
1979	23,943	NA	13,328	-	NA	61,474
1980	14,801	1,733	28,927	-	203	53,866
1981	4,356	2,300	4,437	261	259	56,054
1982	1,816	2,655	3,003	278	206	52,918
1983	2,920	2,686	1,414	80	230	47,343
1984	3,627	3,147	2,401	3	301	54,748
1985	943	3,007	2,330	134	298	56,238
1986	4,448	3,786	4,349	97	330	59,476
1987	759	3,085	8,636	37	307	54,095
1988	12,492	3,662	11,500	107	416	58,017
1989	2,474	2,888	8,957	274	388	53,629
1990	0	2,355	6,209	948	249	50,903
1991	0	2,395 (Nov.)	7,060	882	223 (Nov.)	45,403
1992	251	NA	6,918	1,263	NA	36,005 (2,626)
Total:	146,775	33,699 (Nov. 91)	122,421	5,059	3,410 (Nov. 91)	

As noted in Table 4 above, after the initial influx of some 45,000 hilltribe refugees in 1975, the number of tribespeople arriving in Thailand dropped to about 7,000 during 1976, almost 4,000 in 1977, and 8,000 in 1978. However, owing to operations by LPDR and Vietnamese troops against Hmong resistance forces in the Phou Bia and Phou Ta Mao mountains during 1976-78 and repressive measures against Hmong civilians by the Laotian government,

¹⁰ Derived from "UNHCR, As of 30 November 1991, Statistics of Indo-Chinese Refugees and Displaced Persons, Table I. Overall Situation of Indo-Chinese Refugees in Thailand, 1975-Present," 1-2; and "UNHCR... As of 31 December 1991," (cover page), "Statistics of Indo-Chinese Refugees, IVB. Departures to Resettlement Countries," 8 and IVC. Voluntary Repatriation Summary," 10; and "Statistics Concerning Indo-Chinese in East and South East Asia for the Month of December 1992," UNHCR, Geneva, January 1993, Table II (unnumbered).

The figure in parentheses under Camp Population refers to Laotian tribespeople who were being held as "illegal aliens" in detention centers and denied opportunities for resettlement, as of December 1992.

the number of incoming tribal refugees rose dramatically to some 24,000 during 1979.¹¹

As also indicated in Table 4, some 15,000 Hmong and other tribespeople entered Thailand during 1980. As a result of the amelioration of conditions in Laos and the imposition of "humane deterrence" by the RTG, the number of arriving tribespeople declined to about 4,300 in 1981 and fewer than 2,000 during 1982. Thai officials noted with alarm, however, that the declining numbers of new arrivals were offset by a sharp drop in the number of tribal refugees being resettled in third countries and by the very high birth rate among the refugees, resulting primarily from the high standards of hygiene and medical services maintained in the camps by the foreign voluntary agencies: From an all-time high of almost 29,000 resettled during 1980, including some 27,000 accepted by the United States, the number of resettled tribespeople declined to fewer than 4,500 in 1981, 3,000 in 1982, only 1,400 during 1983, 2,400 in 1984, and about 2,300 during 1985.¹² As can be seen in

¹¹ Robinson, 222.

¹² "As Laotian arrivals decreased, Thai authorities undertook a consolidation and ethnic 'homogenization' of the Laotian camps. During 1982 three hill-tribe camps - Chang Khong, Chiang Kham, and Sob Tang - were officially closed, and their populations moved to Ban Nam Yao. The lowland camps, Ubon and Nong Khai, were also closed with the Hmong in Nong Khai moving to Ban Vinai and the Lao to Na Pho.

"... Ban Vinai has an open, settled look to it, more like a village than a refugee camp. In fact it does have one of the highest living standards of any refugee camp in Southeast Asia, one that compares favourably in some ways to life outside the camp in Thailand's poverty-stricken northeast.

"In May 1983, Ban Vinai was closed to all new arrivals and the camp at Chiang Kham was re-opened as a humane deterrence facility, with its barbed wire, minimal services and no opportunity for resettlement." *Ibid.*, 226-7.

During a visit to Ban Vinai in October 1977, the writer was very impressed by the extensive terraced vegetable gardens which the refugees maintained in the camp.

the camp birth and death statistics of Table 4, the number of births minus deaths in the camps during 1983-85, actually was greater than the total number of refugees resettled or repatriated!

Even though refugee admission ceiling were declining in the United States, many of the Hmong who had been accepted for resettlement declined to leave the camps: Some were influenced by General Vang Pao and other resistance leaders who were concerned that large-scale resettlement of the tribespeople would reduce and eventually eliminate the possibility of ever restoring their people to their tribal lands in Laos. Others were deterred by stories of the difficulties Hmong were facing in integrating themselves into American society.¹³

A Resurgence of Lao Refugees

Not long after "humane deterrence" had gone into effect, the UNHCR and, to an even greater extent, the U.S. Embassy began to press for exceptions to the policy of barring new arrivals from resettlement. Of special concern were "high priority" cases, such as those involving late-comers with close family members who had previously been accepted for resettlement, former military officers, and persons who had been imprisoned in "reeducation" camps by the LPDR. The Thais bowed to this pressure by permitting once

¹³ "...(W)ord filtered back to (Ban Vinai) of the resettlement 'horror stories': welfare rates broaching 100 per cent in several Hmong communities, death that came in the middle of the night to seemingly healthy young men, families couped up in crowded tenement housing, no jobs, no land to farm, no place, it seemed, for the Hmong. Ban Vinai looked better all the time, with its guaranteed shelter, food, security and health care. And for increasing numbers of Hmong, it was the only home." *Ibid.*, 227.

again the processing of refugees for resettlement.

The relaxation of strictures against resettlement, combined with the imposition by the LPDR of new taxes and a new military conscription promoted yet another surge of Lao seeking entry into Thailand: During 1984, some 14,600 Lao arrived, more than three times the number of arrivals the previous year.¹⁴ While some 4,800 Lao and 2,300 tribespeople were resettled during 1984, the influx of new arrivals and births among the refugees resulted in camp populations of 37,000 Lao and 54,700 Hmong and other tribespeople by the end of the year, a net increase of almost 7,000 Lao and over 7,000 tribespeople compared to the previous year.

Greatly alarmed by this trend, Thai security forces, presumably at the direction of the RTG Ministry of Interior, began turning back incoming asylum seekers at the border early in 1985.¹⁵ By June, in response to the predictable outcry within the international community, the Thais reaffirmed their 1977 commitment to permit entry to asylum seekers, but only on the condition that screening procedures, which had been defined under the 1977 agreement between the RTG and the UNHCR, would be more stringently en-

¹⁴ A U.S. Senate report noted that, while there were from 5,000 to 6,000 single men in Nha Pho, ranging in age from 15, to 25, the "primary cause" for the sharp rise in new Lao arrivals during 1984 was the "pull factor created by the U.S. refugee resettlement program (which) simply cannot be underestimated." U.S. Congress. Senate. *U.S. Refugee Program in Southeast Asia: 1985*. Committee on the Judiciary, Subcommittee on Immigration and Refugee Policy 99th Congress, 1st. sess. (Washington: USGPO, 1985), 15, cited in *ibid.*, 227-8.

¹⁵ A fact-finding team from the U.S. Committee for Refugees, a private refugee advocacy group, visited fifteen immigration and police stations along the Thai-Laotian frontier in June 1985 and found local officials freely admitting that new arrivals were routinely being pushed back across the border. The team observed that "significant numbers" of refugees had been refused entry and that "the greatest impact had been on the Hmong." Cerquone, "Refugees from Laos," cited in *ibid.*, 228.

forced in order to deter "economic" migrants from entering Thailand.

The Re-introduction of Screening

As far as the Thai government was concerned, the rigorous enforcement of screening of asylum seekers had the desired effect of reducing the number of refugees admitted to the UNHCR camps: As indicated in Tables 4 and 5, Lao arrivals declined sharply from over 13,000 in 1985 to 2,900 during 1986; and the number of arriving tribespeople declined from 3,600 to only 943 during the same period.

Individual claimants for asylum would first be interviewed by one of nine district committee officers from the RTG Ministry of Interior, with a UNHCR legal advisor in attendance as an observer.¹⁶

¹⁶ "The criteria for screening is found in a secret regulation of the Thai Ministry of Interior which sets forth criteria and a role for the UNHCR. Those criteria essentially mirror U.S. resettlement criteria. Although this memorandum is confidential, Thai officials stated that the criteria for obtaining refugee status (defined in the paper as anyone coming into Thailand by reason of persecution) contain four bases for being screened in:

"1. Former civilian or military police in the old regime in Laos. (This is the most common basis for screening in, and presumably includes former army officers.)

"2. Persons who worked with embassies or international organizations, or private firms of any foreign countries, prior to 1975.

"3. Persons involved with political events, or social events against the Communist government.

"4. Anyone with direct relatives, such as a father, mother, son, or daughter, in a third country. (This fourth category is also a fairly common basis for screening in.) Lawyers Committee, *Forced Back and Forgotten: The Human Rights of Laotian Asylum Seekers in Thailand* (New York: LCHR, 1989), 23.

In the same report, the Committee charged that the screening program "lacks fairness and is based on arbitrary criteria unrelated to refugee law." *Ibid.*, 4.

Another authoritative observer has maintained that the screening criteria was made more restrictive than heretofore in that it forbade processing of those who had family members abroad: "On 1 July 1985... Three hundred (Ministry of Interior) officials were enrolled in a short training course on interviewing. According to a 1985 MOI internal document, screening questions

If the individual were deemed acceptable, his case would be sent to the Ministry's provincial committee or the provincial governor for confirmation. Once confirmation had been granted, the Lao would be sent to Nha Pho and the tribespeople to Ban Vinai. If an individual were rejected for asylum, the UNHCR could appeal his case before he was placed in a detention center pending repatriation to Laos.¹⁷

By the end of 1986, eighteen months after the screening program had been initiated, a total of 7,021 Laotians had been interviewed, with 4,665 approved for resettlement, 1,822 rejected, and 440 cases were pending. Almost all of the refugees screened were Lao and there was evidence that Thai border officials were routinely pushing Hmong back into Laos as soon as their presence on Thai soil was detected. The UNHCR reported that 362 people had been pushed back to Laos during 1986.¹⁸

were to focus on residence, place of birth, education, occupation, economic status, family composition, political activity, criminal record, and reasons for fleeing to Thailand...

"Those who are illegal immigrants' included: 1) persons who claimed dissatisfaction with the new regime, owing to tax collection, forced labour or the draft; 2) persons who desire to have a place for business because of their dissatisfaction with the LPDR economic system; 3) persons influenced by others, especially Lao hill tribes; 4) persons who claim relatives in Thailand or a third country.

"As far as can be ascertained, these lists were never made public." Robinson, 228-9.

¹⁷ "The committee that performs the initial screening interview is known as the District Committee and consists of local Thai government officials, though the composition of the committees varies slightly by camp. At Na Pho camp, the committee includes a District Officer of the Ministry of Interior (as chairman), the Chief of Police, a District Immigration Officer, a military officer, and a secretary (a camp officer). At Ban Vinai, the composition is the same although the secretary is the camp commander. At each camp a UNHCR legal officer sits in and 'observes' the screening interview, but is not allowed to participate in the screening vote." Refugees International, unpublished field notes, March 1987, cited in *ibid.*, 229.

¹⁸ *Ibid.*, 230; and USCR *Refugee Reports*, 8, no. 3 (20 March 1987): 11.

According to a report in the *Bangkok Post*, 30 December 1986, 43 of 76 Hmong refugees attempting to cross into Thailand were killed by Vietnamese

The RTG denied that tribespeople were being systematically excluded from the screening program and claimed that the pushbacks recorded by the UNHCR were nothing more than "local aberrations." The Thais complained that the Hmong were purposely circumventing screening procedures by entering Thailand with the aid of organized smuggling rings.¹⁹

There was little doubt during this period that the Thais were becoming seriously alarmed about the increase in the Hmong refugee population: While the number of Lao in UNHCR camps declined from 37,000 at the end of 1985 to 26,300 by the end of 1986, the number of tribespeople in the camps actually increased from 56,200 to almost 59,500 during the same period. By June 1987, there were still about 22,400 Lao at Ban Na Pho, over 1,700 Lao at Ban Nam Yao, some 38,800 tribespeople at Ban Vinai, and about 11,800 tribespeople at Chiang Kham.²⁰

troops. Nineteen of the group reached Thailand and 14 were captured by the Vietnamese. The Laotian government called the report an "utterly groundless fabrication." *Ibid.*, 8, no. 1 (23 January 1987): 5; also *Keesing's* (April 1987): 35070

¹⁹ "It's a vicious circle," admitted a UNHCR legal officer in Bangkok. "The Hmong are sneaking into Thailand because they feel they might be pushed back to Laos if they make their presence known. And because the Hmong are still sneaking in, pushbacks are more likely to take place." Jeff Crisp, "Two-way Traffic Across the Mekong," *Refugees*, (September 1987): 30, cited in Robinson, 230.

²⁰ USCR *Refugee Reports*, 8, no. 9 (11 September 1987): 3.

The concern of Thai officialdom with respect to these developments was clearly reflected in the keynote address of the new Secretary General of the RTG National Security Council, Suwit Suthanakul, delivered to the tenth annual conference of the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT) in Bangkok on 31 July 1987. Suwit noted "a sharp decline in the rate of resettlement in third countries and their application of immigration principles instead of humanitarian ones in screening the potential resettlers." He warned that the shift to "immigration" criteria provided "a precedent and encouragement for me to take the same stand" and added that "In the near future, I may have to hold that there are no such displaced persons or refugees immigrating into Thailand at all." *Ibid.*, 1.

Pressuring for Accelerated Resettlement

During February 1987, about 1,300 Hmong refugees gathered in a remote region on the border near Nam Pun. Lacking adequate food and medical care, they attempted to enter Thailand, but were repulsed by Thai border troops. Despite pleas by the UNHCR and other international aid agencies, the RTG persisted in its refusal to grant the refugees asylum on the grounds that about 500 of them were guerrillas who were prohibited from operating on Thai territory.²¹

Other actions against Hmong asylum-seekers already on Thai soil were soon forthcoming: On March 15, Thai soldiers and police entered Ban Vinai to arrest "illegals" who had entered the camp after it had been officially closed to new arrivals in 1983. Thai officials reported that 108 Hmong "illegals" were arrested in the camp and taken to a jail in the nearby village of Pak Chom. According to U.S. State Department sources, thirty-eight of the refugees were handed over to Lao government soldiers and escorted back into Laos, but refugee spokesmen indicated that the number was actually seventy-nine. The Thais also reported that ninety-seven other Laotians had been apprehended trying to enter Ban Vinai and were immediately returned to Laos.²²

²¹ *New York Times*, 17 March 1987. See also Robinson, 230.

"One individual who visited (a group of the Hmong) in late February reported that they were suffering from various illnesses and 'a degree of starvation.' A U.S. State Department official indicated, however, that food was being provided to these people by a private voluntary agency and the Thai military." USCR *Refugee Reports*, 8, no. 3 (20 March 1987): 10-11.

²² Barbara Crosette, "Thailand Pressing Ouster of Laotians," *New York Times*, 19 March 1987; and USCR *Refugee Reports*, 8, no. 3 (20 March 1987): 5.

"Estimates differ on the number of unregistered people living in Ban Vinai. The Thai authorities say there may be 10,000, with more arriving from Laos almost daily. Aid agency officials believe there are between 3,000 and 6,000 in a camp population thought to be around 42,000.

The UNHCR representative in Thailand, Gerald Walzer, issued a statement expressing "deep concern about these involuntary returns of asylum-seekers" and appealing for "assurances that there would be no further forced returns, and that claims to refugee status of asylum seekers now detained by the authorities would be examined under the established procedures." The representative also indicated that the UNHCR "has no information on how... those returned to Laos have been received by the authorities there."²³

"The Thai authorities have largely turned a blind eye to the 'illegals,' and Ban Vinai functioned almost as a Laotian hill tribe city that just happened to be in Thailand - until Sunday." *Ibid.*

"Thai government statement reiterated the policy that 'armed resistance groups who attempted to cross the border into Thailand are denied entry' and that those who come across with the assistance of organized smuggling rings are apprehended as 'illegal immigrants.' The Nam Pun group was in the first category, Thai officials maintained, and the Ban Vinai group was in the second." Robinson, 230; and USCR *Refugee Reports*, 8, no. 12 (18 December 1987): 2.

²³ Barbara Crosette, "Thailand Pressing Ouster of Laotians," *New York Times*, 19 March 1987

According to a later report, "In 1987 Lao highlanders often found it impossible to gain access to the Government's program... to screen Laotian arrivals... In March, 135 Hmong who had illegally crossed into Thailand were involuntarily repatriated to Laos, and in September, 24 lowland Lao seeking refugee (sic) in Thailand were pushed back into Laos where they were subsequently imprisoned by the Laotian Government. In November, 34 Hmong attempting to enter Thailand illegally were returned to Laos.

"There were conflicting reports of a massacre, and the UNHCR has been invited to investigate the reports. This issue is complicated by the fact that some of these would-be entrants are Lao resistance elements rather than simple asylum seekers, as well as by the Lao government's continuing hesitancy to accept back Laotians screened in Thailand and found not to be bona fide refugees.

"In September, approximately 2,000 Burmese hill tribe people who had been living illegally in Thailand were repatriated to Burma. There have been reports of some violence associated with this repatriation." USCR *Refugee Reports*, 9, no. 2 (26 February 1988): 18-19.

"On November 16 (1987), Thai authorities caught 34 Hmong trying to enter Ban Vinai camp and sent the group back across the Mekong River into Laos where growing evidence suggests that some or all of them subsequently were killed, according to U.S. government sources." *Ibid.*, 8, no. 12 (18 December 1987): 2.

The U.S. government also strongly criticized Thailand's violation of its longstanding agreement with the UNHCR against *refoulement*. A State Department spokesman, Charles E. Redman, charged that the case of the thirty-eight Hmong refugees taken from Ban Vinai was "a serious breach of human rights... possibly the most serious instance of forced repatriation from Thailand since 1979."²⁴

If Thailand's harsh policies were designed to pressure the United States and other countries into accelerating the resettlement of the Hmong, they soon were to have the desired effect: During 1987, the number of Hmong resettles totalled over 8,600, compared with about 4,500 the previous year; and over 9,600 Lao were resettled during the same period. The number of tribespeople resettled during 1988 rose to 11,500, compared to almost 5,000 Lao; during 1989, the totals were about 9,000 tribespeople and about 3,300 Lao; during 1990, over 6,000 tribespeople and almost 4,000 Lao; and in 1991, some 7,000 tribespeople and 3,700 Lao.

In February 1987, the RTG Ministry of Interior warned the organization of the forty voluntary agencies providing services to Indochinese refugees that, after July 1, 1987, refugees who were not in the "processing center" of Phanat Nikhom, near Bangkok, would be

²⁴ *Ibid.*.

The U.S. Ambassador to Thailand, William Brown, was reported to have called at the Thai Foreign Ministry to "express strong concern" at the repatriation incident. The RTG Deputy Foreign Minister, Praphas Limphaphan, replied that an investigation was taking place and urged the United States to resettle at least half of the 50,000 Hmong refugees in the camps. *Washington Post*, 20 March 1987, cited in *USCR Refugee Reports*, 8, no. 3 (20 March 1987): 5.

In a letter to U.S. Representative Steven J. Solarz, dated 2 April 1987, the Thai Ambassador to the United States, Arsa Sarasin, urged the U.S. government to admit at least 10,000 Hmong annually for the next five years. *Ibid.*, 8, no. 4 (17 April 1987): 5.

considered "as persons who no longer have an opportunity for third country resettlement." Laotians who entered the country through the border screening program were to be exempted from this restriction.²⁵

In light of the continued pressure by the UNHCR, the United States, and other friendly countries, as well as the accelerated rate of resettlement of the Hmong, the RTG National Security Council agreed, on December 2, 1987, to allow access to the screening program for all Hmong who had entered Thailand illegally, including from 8,000 to 10,000 "illegals" in and around Ban Vinai, the group near Nam Pun, about 154 persons detained at Pak Chom, and thirty-seven asylum seekers who had been ordered deported by the provincial court of Nong Khai.²⁶

Despite these encouraging humanitarian measures, the screening process itself was becoming increasingly hampered by inadequate administration and corruption.²⁷ There was also a marked

²⁵ *Ibid.*, 8, no. 2 (20 February 1987): 6.

²⁶ *Ibid.*, 9, no. 1 (22 January 1988): 10.

²⁷ "From December 1987 to January 1988, 9,610 Hmong in Ban Vinai were moved to Chiang Kham for screening. As of March (1988), 3,581 of the Ban Vinai transfers had been interviewed and 98 per cent had been screened in. By April 1,700 Hmong had been moved from Nam Pun to Ban Nam Yao for screening.

"Access to the screening process for new arrivals, highland (Hmong) and lowland (Lao), was more difficult than ever before in 1988. From January to March, only about 500 Laotian new arrivals were screened at the border provinces. Some pushbacks did occur but, more frequently, district officials refused to interview the newcomers for fear that doing so could invite accusations of collaboration in the smuggling rings.

"By the end of 1988 the border screening program was in a state of almost total collapse. Lack of access has certainly been the most serious flaw, but rampant extortion and bribery have also impeached the credibility of the screening decisions. Refugees have reported paying amounts ranging from 2,000 to 36,000 Baht (US \$80-1,500), some simply to enter the process, others to obtain a favourable decision or to be transferred to a UNHCR camp." Robinson, 231.

"...International humanitarian officials told the Lawyers Committee that screening of ethnic Lao in Nakhon Phanom had been suspended since March 1988, with the local officials under apparent instructions from the Ministry of

resistance by the Thais to accept any refugees who might be refused re-entry by the LPDR should they not meet the screening criteria.²⁸ The near breakdown of the screening program and continued reports of "pushbacks" along the Thai-Laotian border prompted angry outcries from refugee advocacy groups.²⁹

Interior to enforce a more restrictive policy. At Pak Chom district policy headquarters, designated as a screening station near Ban Vinai, the Lawyers Committee found that no screening had been conducted since the end of 1987. Although the U.S. more than doubled its 1987 acceptance of Hmong for resettlement to some 9,000 during 1988 relatively few Hmong arrivals were allowed into the screening process. And diplomatic sources have told the Lawyers Committee of 'many reliable reports' showing that pushbacks are regularly occurring. The small number who have entered Ban Vinai have mostly had to buy their way in as 'illegals.' By mid-1988, relief officials found that screening for ethnic Lao and hilltribe people was occurring in only three of the nine border provinces." Lawyers Committee, *Forced Back*, 26-7.

²⁸ "Since the program was instituted in 1985, out of 25,794 arrivals screened, 2,992 Laotians have been rejected as of December 1988. However, through October 1988, the Laotian government had only accepted 57 returnees under the return program officially negotiated with Thailand." *Ibid.*, 21.

²⁹ For example, the Lawyers Committee for Human Rights observed that "Thailand has a policy of systematically denying asylum by pushing back Laotian asylum seekers on its northern border. This has resulted in the death of hundreds, if not thousands of Laotians. Thailand's push-back policy represents a serious violation of human rights and humanitarian principles. The right not to be returned to a territory where there is a risk of persecution is a fundamental precept of refugee law and includes a right not to be rejected at a border." *Ibid.*, 4.

A representative of another highly respected refugee advocacy group, W. Courtland Robinson, pointed out that "International resettlement should continue to be provided to the Hmong who seek it, but more care should be taken that they are not coerced in the process. There is little question that Thai pushbacks of the Hmong have been coupled with pressure on the United States to admit large numbers, which raises very real fears that resettlement is being manipulated to, in effect, reward inhumane practices..." Robinson, 235.

The representative also pointed out that "It is... important for Thailand to come to terms with the fact that it has become a regional haven for hill-tribe people, not only from Laos but from Burma as well. More than 25,000 highland refugees from Burma, predominantly Karen, have fled into Thailand to escape recurring conflicts with the Burmese government. Recently the Thai government has stepped up efforts to repatriate some of these groups." *Ibid.*

In another report, Robinson observed that "... On September 18 (1987), Thai officials began a ten-day operation to forcibly return 1,800 hilltribe people, mostly from the Lisu and Akha tribes to Burma. Humanitarian workers in Chiang Rai Province reported that several of the villages were raided at

By the end of 1991, more than 182,000 of the 208,000 Lao who entered camps in Thailand since 1975 have been resettled. About 121,000 (66 percent) have gone to the United States, 26,000 to France and 16,000 to Canada. Of some 136,000 tribespeople who have been received in camps in Thailand, over 115,500 have been resettled, including almost 105,000 who have come to the United States (90 percent), over 8,000 to France, and about 1,000 to Australia.³⁰

The Local Integration Option

Of all the Indochinese refugees, the Lao would seem to be the most easily assimilable into Thai society owing to their close cultural and linguistic affinity with the Thais. Indeed, an many thousands of Lao have unofficially integrated themselves with the help of relatives and friends in villages of the northern provinces. Yet, over the years, the RTG has carefully refrained from advancing any plan to permanently settle a substantial number of refugees on Thai territory owing to the fear that such a plan would both trigger a mass migration of

dawn by border patrol police and rangers. After the people were trucked out, the villages were torched." "Refugees in Thailand" by Court Robinson in *World Refugee Survey: 1987 In Review*, 53.

³⁰ Derived from "UNHCR Indo-Chinese Refugees and Asylum Seekers in Thailand As of 31 December 1991, Statistics of Indo-Chinese Refugees, IVB. Departures to Resettlement Countries," 8.

We might also note that various pilot projects have been undertaken to settle groups of Hmong in such places as French Guiana and Bolivia. For an interesting discussion of the Hmong resettlement projects, see Ogden Williams, "The Allies We Abandoned in Laos are Still Fighting and Dying," *Washington Post*, 17 September 1978.

Mr. Williams is a retired U.S. official who worked with the Hmong during the Vietnam War and studied the refugee problem during a visit to Thailand in April-May 1978.

Laotians into Thailand and reduce the pressure on third countries to maintain their resettlement programs.³¹

In March 1977, however, the governor of Nong Khai province, Chamnan Potchana, publicly proposed that a 2,300 acre tract in his province be designated as the first permanent refugee settlement area in Thailand. Though some 6,000 Hmong and 800 Lao refugees subsequently volunteered to settle in the area, the Kriangsak government apparently never made a public response to the proposal.³²

Later that year, a high level Thai official held out the hope that once a "substantial number" of the refugees then in Thailand had been resettled in third countries, the remaining refugees, most of whom would presumably be Hmong, would be permitted to settle permanently in Thailand. Dumrong Soonthornsaratoon, the Director of

³¹ "Aside from the estimated 50,000 or so Laotians who have unofficially settled in Thailand in the last 13 years, the only successful local integration project is Ban Sob Koh village, where about 600 ethnic Htin and Hmong were allowed to settle after their release from Ban Nam Yao in 1984. With seed money of less than \$40,000, a voluntary agency named the Ockenden Venture launched the project, which became self-sufficient within 2 or 3 years, thanks to a wide array of initiatives, including diversification of crops, soil protection, fishponds, handicraft industries, health care and hygiene, and primary education." Robinson also notes that "there are 1,799 hilltribe people in Ban Nam Yao awaiting settlement of their claim to Thai citizenship." Robinson, 233; information obtained from Thomas Luke, "Integration of Refugees in Host Countries" (March 1988), 30.

³² Ogden Williams, "The Dark Night of the Hmong" , unpublished manuscript, 1978, 12.

In assessing the feasibility of settling the Hmong refugees, one observer has noted that "There are formidable obstacles to the permanent resettlement of these refugees within the Northeast and North - both of which are chronically depressed regions plagued by poor soil and outmoded agricultural techniques. It will be difficult to find suitable locations where refugees can be permanently resettled with the reasonable expectation that they could be economically self-sustaining." U.S Central Intelligence Agency, "The Refugee Resettlement Problem in Thailand," (Washington: CIA National Foreign Assessment Center, May 1978), 3.

the Operations Centre for Displaced Persons, the agency of the RTG Ministry of Interior responsible for the administration of refugee affairs indicated that if there were "a satisfactory decrement" in the number of displaced persons within the next few years, Thailand might devote land for the establishment of settlement areas in different parts of the country.³³

For more than a year, UNHCR representatives had been discussing with Thai officials the feasibility of encouraging international financial support for an "integrated development program" in selected areas of Thailand where large numbers of refugees might be taken off the relief dole and permanently settled.³⁴

Such a program offered the possibility not only of providing the means to develop the economically depressed northern provinces, but also for promoting more rapid integration of Thailand's own hilltribe minorities into the national economy.³⁵ While the RTG has

³³ "Seminar on Displaced Persons in Thailand," 22 September 1977, Rose Garden Hotel, Nakorn Pathom, printed by the RTG Ministry of Interior, pp. 10-11.

See also RTGMOI, "Turn Not Your Eyes Away: Displaced Persons from Indochina in Thailand," Operations Centre for Displaced Persons, 19 September 1977, 5-6.

³⁴ See statement by Dr. Cesar P. Berta, Asian Regional Representative of the UNHCR, RTGMOI, "Seminar on Displaced Persons," 13.

"One (U.S.) Senate report in 1978 stated that the Thai government 'has always recognized the need for some local settlement, and has agreed, in principle, with the UNHCR's proposals for the local settlement of refugees; the only question is timing.' The report mentioned one estimate for an integrated rural development project for up to 50,000 refugees and costing \$30 million per year over a 3 to 4 year period." Robinson, 233.

³⁵ At a conference on the Indochinese refugee problem held in Bangkok in August 1979, the former Thai Interior Minister, Samak Sundaravaj, then the flamboyant leader of the Prachakorn Thai Party, suggested that, while the Vietnamese refugees had to leave Thailand owing to the threat they posed to the country's security, "self-help" settlements could be set up with international assistance for many of the Laotian and Cambodian refugees who did not want to resettle in third countries, but preferred to remain near their homelands at least until conditions became more normal. He pointed out that such settlements "would not only help solve the refugee problem but would also serve as a

encouraged the use of UNHCR funds in certain camps for self-help projects, such as cultivating gardens, raising livestock, and the promotion of handicrafts and other cottage industries, it has never indicated approval of any scheme for the settling of a substantial number of Indochinese refugees on Thai soil.

During a visit to Bangkok in May 1978, U.S. Vice President Walter Mondale informed Thai leaders that the United States was prepared to provide up to \$2 million for the "permanent resettlement" of the Indochinese refugees currently in Thailand and, "if the process is successful, to enlist (the) help of Japan and other industrial nations in raising tens of millions of dollars to complete (the) action." It remained unclear, however, how much of the proposed funds would be provided for the permanent settling of refugees on Thai territory.³⁶

Regardless of the impression which the Americans may have had with respect to Thai policy, the RTG Ministry of Interior soon rejected the Vice President's proposal with the following remarks:

"Representatives of major United States voluntary agencies and citizen's groups recognize that the USA has a

development plan for Thailand with financial support from other countries, since in the long run, the refugees would leave for third countries or return to their homelands, while the Thai people would receive full benefit from the settlements..." He proposed that the settlements contain "70 per cent Thai citizens and 30 per cent Laotian and Kampuchean refugees." "Samak: We must throw out the Vietnamese," *Bangkok Post*, 30 August 1979.

According to former National Security Council Secretary General Prasong, Samak's proposal was entirely his own and was never approved by the NSC. Interview by writer with Prasong Soonsiri, Dursit Thani Hotel, Bangkok, 29 August 1990.

In effect, the NSC opted to trade continued tolerance of the presence of the Indochinese refugees on Thai soil for international support for a program to aid Thais in the border provinces, the so-called "Affected Thai Village" Program, discussed below.

³⁶ *New York Times*, 5 May 1978.

greater responsibility for finding a permanent solution to the displaced person problem than does Thailand. Yet the USA through restrictive quotas and slow immigration procedures continues to place Thailand in the position of bearing a disproportionate share of the responsibility for managing the problem.

"Some high ranking foreign officers have suggested displaced persons be permitted to resettle in Thailand. Someone has even offered to make \$US 2 million available to begin such a program. Thailand neither asks for nor wants money - we want the displaced persons out of our country. Less (sic) the world forgets, in 1945 (sic) we gave 'temporary' sanctuary to 70,000 Vietnamese. In spite of every assurance that they would go back to their country in a reasonable period of time, the majority of these 'temporary' refugees still remain in our Kingdom."³⁷

The UNHCR Reintegration Program

Since 1980, about 5,000 Lao and 3,000 Hmong and other tribespeople have been voluntarily repatriated under the auspices of the UNHCR. In addition, from 1987 through 1990, 363 Lao and five tribespeople, all of whom had been screened out of the re-settlement process, were involuntarily repatriated in accordance with an agreement between the RTG and the LPDR. All of the returnees were provided a ten- to twelve-month supply of rice, household utensils, and farming or other tools.³⁸

³⁷ RTGMOI, "The Unfair Burden," RTGMOI, Operations Centre for Displaced Persons, Bangkok (September 1979), 25-6.

³⁸ USCR *World Refugee Survey: 1991*, 64.

There were reports during 1990 of an upsurge in anti-government activities by Lao guerrillas affiliated with the United Lao National Liberation Front, but these activities were concentrated in the northwestern province of Bolikhamsai and had no apparent impact on the areas targeted by the UNHCR Reintegration Program. *Keesing's*, (supplement, 1991), 38624.

The UNHCR also invested over \$2.5 million for development projects in eight Laotian provinces where returnees have settled. The funds were used for the construction of schools, rural dispensaries and irrigation systems, as well as for technical assistance and vocational training.³⁹

In January 1991, a Hmong family of thirteen people, which had been screened out, was forcibly repatriated, along with ninety-one voluntary repatriates. A few days later, another group of forty-six Hmong, who also had been screened out, were forcibly repatriated, along with forty-eight Lao who were returning voluntarily.⁴⁰

At a meeting in Luang Prabang on June 27-29, 1991, representatives of the RTG, the LPDR and the UNHCR were able to agree on a set of "basic principles" which would serve as a guide for the repatriation of Laotian refugees. Among other things, the principles stipulated that "repatriation is to take place under safe, humane, and UNHCR-monitored conditions," that "(t)hose considered to be refugees and asylum seekers returning under the program do so on a voluntary basis," and that "those rejected in the screening process will be returned without the use of force in safety and dignity."⁴¹

³⁹ Robinson, 232.

⁴⁰ USCR *Refugee Reports*, 12, no. 1 (29 January 1991): 10-11.

⁴¹ U.N., "Outline of the Plan for a Phased Repatriation and Reintegration of Laotians in Thailand," Fourth Session of the Tripartite Meeting (LPDR/ RTG/ UNHCR), Luang Prabang, 27-28 June 1991, p. 5; excerpts in Thomas P. Conroy, *Highland Lao Refugees, Repatriation and Resettlement Preferences in Ban Vinai Camp, Thailand* (Ford Foundation commissioned study, no publisher indicated, undated); cited in U.S. Congress, House, "Refugees and Asylum-Seekers from Laos: Prospects for Resettlement and Repatriation," Report of a Study Mission to Thailand and Laos, July 5-9, 1991, to the Committee on Foreign Affairs, (Washington: USGPO, September 1991), appendix I, 15. (The study mission was

The agreement was to lead to an announcement by the UNHCR on July 16, 1991 of the launching of a \$3.4 million pilot project to encourage refugees to return home. The funds were to be used for the dissemination of information on conditions in Laos for those who had already returned, the promotion of visits to Laos by refugee representatives, and the construction of new settlements for some 5,000 to 6,000 returnees.⁴²

In its announcement, the agency also noted that "All allegations of violence against returning asylum seekers have proven incorrect" and that "the Bangkok government has reaffirmed that force will not be used in the repatriation process." It warned, however, that "if the (repatriation) program does not begin immediately, the voluntary repatriation and resettlement agreement... will lose momentum and refugees may be returned by force."⁴³

During the summer of 1990, the Ford Foundation financed a survey of the Hmong refugees in the Ban Vinai camp. Some 5,300 heads of families, representing about 29,000 refugees, were interviewed. The results of the survey indicated that fifty-four percent expressed a preference for repatriation, but eighty percent of those respondents stated that they were not willing to return until significant political changes had occurred in Laos and five percent replied that it was not yet safe to return.

undertaken and the report prepared by U.S. Representative Thomas M. Foglietta (D-Pa). See also USCR *Refugee Reports*, 12, no. 8 (30 August 1991): 9.

⁴² *Ibid.*, 12, no. 1 (30 August 1991): 10-11.

⁴³ *Ibid.*, 9-10. See also Court Robinson, "Thailand presses Hmong refugees to go anywhere," *The San Diego Union*, 13 October 1991.

Forty-six percent of the refugees surveyed indicated that they would prefer resettlement and seventy percent of these stated that they would prefer to leave the camp "some time after 1992." Some of the respondents were reluctant to leave elders who did not want to leave Thailand, others were waiting for relatives still in Laos, and still others were concerned with the problems of adjusting to life abroad. The Ford report proposed that about half of the Hmong be resettled in the United States over a period of three years.⁴⁴

Economic and political conditions have continued to improve in Laos, while the LPDR has been obliged to seek out Western aid to replace that once given by the now defunct Soviet Union and its former satellites. Consequently, the number of Lao refugees seeking asylum in Thailand totalled only 620 during 1991. On the other hand, the legacy of past conflict and continued resistance activities on the part of some of the Hmong has resulted in almost 3,000 tribespeople seeking asylum during the same period. (Since these "illegal aliens" were not admitted to UNHCR camps, they are not included in the end-of-year camp population statistics in Tables 4 and 5 above).

In early January 1992, it was reported that Lao rebels had attacked a police post in Vientiane province and that almost 400 Lao civilians had crossed into the Thai province of Loei to escape the fighting. The RTG subsequently closed the border in order to prevent the influx of more refugees.⁴⁵ The attack apparently did

⁴⁴ U.S. House, "Refugees and Asylum-Seekers from Laos," 4.

⁴⁵ *Keesing's* (January 1992): 38724.

not disrupt the Reintegration Program; and it is expected that the remaining 5,000 Lao refugees in the UNHCR camps in Thailand will either be resettled or repatriated in the near future.⁴⁶ However, the disposition of the remaining 37,000 Hmong and other tribespeople is a far more difficult matter.⁴⁷ It is quite obvious that, even if the Laotian government were to accept the repatriation of all these people, their safety could not be assured in their tribal areas so long as Hmong and Lao guerrillas continue to engage in hostilities against that government.

The RTG has consistently maintained that the tribespeople would not be permitted to remain in Thailand indefinitely and

⁴⁶ "The issue of deportation of lowland Lao has not been a source of controversy. According to one U.S. official, the State Department has never had complaints about the return of lowlanders. The Department and other observers appear to believe that lowlanders have understood they will be returned to Laos if they are screened out, and have simply not resisted such return.

"It is not surprising that mandatory return of lowlanders has not been controversial. Unlike the highlanders, who - even before the civil war in Laos - had a history of uneasy relations with the central government in Laos, lowland Lao are of the same or similar ethnic and cultural heritage as those who have traditionally governed Laos. In addition, lowlanders were less closely associated with the U.S. war effort in Indochina than were the highlanders. These factors have reduced the fear and the likelihood of persecution of lowlanders upon return to Laos." Robinson, 3.

"...Soubanh Srithirath, (LPDR) Vice Minister for Foreign Affairs, indicated that returnees would not be subject to any mistreatment. He said that more than 8,000 Lao have already returned with the assistance of the UNHCR, and that about 28,000 have come back spontaneously. He indicated that these people have been reintegrated into villages and provinces of Laos.

"The Vice Minister emphasized the need for assistance for repatriation. He pointed out that the UNHCR had estimated that several million dollars would be needed initially to support the repatriation efforts, but that UNHCR officials had indicated that the organization only had about \$300,000 on hand." *Ibid.*, 8.

⁴⁷ The UNHCR has reported that, as of October 1992, 14,720 Laotian tribespeople were being held at at Chiang Kham, 12,817 at Phanat Nikhom, 6,982 at Ban Napho, 40 at Nong Saeng, and two at Suan Phlu. Of the "illegal aliens" held in detention, 1,996 were at Ban Napho, 403 at Nong Saeng and 36 at Chiang Kham. *Ibid.*

would not be allowed to interfere with the development of friendly relations with the LPDR.⁴⁸ It has opted, therefore, to put pressure on the Hmong by closing camps as rapidly as possible and consolidating their populations into smaller, more crowded areas.⁴⁹ Thus, barring a decision by their tribal leaders either to end hostilities against the LPDR and accept repatriation or to encourage their kinsmen to accept resettlement abroad, most of the Hmong are likely to continue to languish in the camps for the foreseeable future.

48 "...(T)he Secretary General of Thailand's National Security Council, Suwit Suthanukul, indicated clearly that the Lao refugee presence in Thailand will not be a permanent one. He also indicated that the Thai Government has no intention of aiding the Lao insurgency and that there was no prospect that the insurgency could (or should) play a role in challenging the Government of Laos.

"Whether or not Thai authorities have ended all support that may have been provided to insurgents, it is clear that the Government of Thailand has embarked on a rapprochement recently with the authorities in Vientiane, which had included enhanced diplomatic contacts, as well as new aid and trade agreements. It also seems clear that, in view of these developments, Thai officials believe that a long-term presence of Laotian refugees is neither necessary nor helpful to Thai security or political interests in the region." U.S. Congress, House, "Refugees and Asylum-Seekers From Laos," 5.

At a meeting of the Thai-Lao Joint Boundary Committee on 13 August 1991, the Thai and Laotian foreign ministers signed an agreement which "took note of the progress made on cooperation in various fields which included the repatriation of Laotian refugees; an end to the monopoly of cross border goods transportation by Thailand's Express Transportation Organization; a reduction of import tax imposed on 16 Laotian agricultural products; a new agreement on electricity supply to be signed (in September 1991); and technical cooperation." *The Nation*, 18 August 1991; cited in *Foreign Broadcast Information Service*, 91-161 (1991): 74.

49 The most striking example of this policy has been the case of Ban Vinai. (See fn. #16, p. 193). This camp which had a population of almost 18,000 at the end of 1991, had only 5,035 by October when it was closed. About half of the population apparently were placed in the camps of Ban Napho and Phanat Nikom and the remainder were either resettled or repatriated. Derived from UNHCR... As of 31 December 1991 and As of 31 October 1992, (cover pages).

The UNHCR has reported that, as of October 1992, 14,720 Laotian tribespeople were being held at at Chiang Kham, 12,817 at Phanat Nikhom, 6,982 at Ban Napho, 40 at Nong Saeng, and two at Suan Phlu. Of the "illegal aliens" held in detention, 1,996 were at Ban Napho, 403 at Nong Saeng and 36 at Chiang Kham. *Ibid.*

PART FOUR: THAILAND AND THE CAMBODIANS

Chapter IX: Thailand And The Khmer Rouge (1975-78)

Just prior to the fall of Cambodia to the Khmer Rouge in April 1975 and the establishment of the "Republic of Democratic Kampuchea," the United States had airlifted to Thailand a total of over 1,000 Cambodian officials and U.S. Embassy personnel and their families. The Thais immediately demanded and received assurances that these refugees would be taken out of their country within a month; and all were transported to the United States before the deadline. Following the capture of Phnom Penh (April 14), about 400 more refugees, mainly Khmer military pilots and their families, escaped by air to Thailand and thousands of other Cambodians were to cross the border on foot during the coming weeks.¹

Security Arrangements Along the Thai-Khmer Frontier

Thailand joined with other members of ASEAN in recognizing the new regime in Cambodia, but closed the border, thereby causing much economic hardship in towns on both sides of the frontier. In an effort to block the flow of refugees and weapons into Thailand, some 4,000 Thai border police were stationed along the frontier and these were soon reinforced by about 1,000 troops. Notwithstanding these measures, Thai officials

¹ *Keesing's* (26 March 1976): 27648.

estimated that about 10,000 Khmer refugees had entered Thai territory by the end of April; and other sources provided an estimate of twice that number.²

Relations between Thailand and Cambodia remained correct as the Thais agreed to return about twenty planes and helicopters and a few armored personnel carriers and boats, which had been brought in by refugees.³ In late October, the Khmer Deputy Premier for Foreign Affairs, Ieng Sary, visited Bangkok for discussions with Thai officials, and in the joint communique which followed, both countries pledged to respect each other's sovereignty, to establish close economic and commercial relations, and to exchange ambassadors at a mutually convenient date.⁴

The Khmer Rouge Terrorist Campaign

In mid-December 1975, the first of a long series of incidents occurred along the Thai-Khmer border, which were to seriously strain relations between the two nations: Thai authorities reported a clash on Thai territory between Thai border police and Khmer Rouge troops, with the result that two Thais and three Khmer had been killed. The Thais maintained that the Khmer forces had crossed the border in an area where it was unmarked, either by mistake or in pursuit of refugees. Other sources indicated, however, that the fighting might have involved anti-

² *Facts on File* (26 April 1975): 272.

By late 1977, more than 60,000 Khmer refugees were reported to have been granted asylum in Vietnam. *Ibid.* (5 November 1977): 840.

³ *Ibid.* (26 April 1975): 272.

⁴ *Keesing's* (December 1-7, 1975): 27471.

communist guerrillas under the leadership of In Tam, a former premier in the previous Khmer regime; soon after the incident, In Tam was expelled from Thailand.⁵

By March 1976, anti-communist guerrilla activity inside Cambodia had been largely confined to the province of Battambang which borders Thailand; and Phnom Penh radio charged that the Thais were aiding the rebels. In Bangkok, a spokesman for the rebel "Khmer National Liberation Movement" (*Molinak*) claimed that his organization had 3,000 combatants stationed in seven areas inside Cambodia.

Notwithstanding charges of Thai involvement in rebel activity, the foreign ministers of both countries met in Cambodia in mid-June 1976 and agreed to establish embassies and to mark the border more effectively in disputed areas. The Cambodian officials also agreed to consider a Thai proposal that the Phnom Penh government indicate it would welcome the return of all Khmer refugees and permit the UNHCR to open an office in Phnom Penh. The only substantial consequence of the talks turned out to be the limited re-opening of the border: Authorized traders were allowed to cross the frontier between the border towns of Aranyaprathet in Thailand and Poipet in Cambodia.

After the October 6, 1976 coup and the establishment of the Thanin Government in Thailand, the number of incidents in border areas increased markedly: On November 22 and again on December 24, there were serious clashes between Thai and Khmer

⁵ *Ibid.* (4 June 1976): 27758.

forces in the coastal province of Trat. Then, on January 28, 1977, about 300 Khmer troops attacked three border villages in Prachinburi province, killing twenty-nine defenseless men, women and children. In a battle with Thai border police following the raid, one Khmer soldier and a Thai policeman were also killed.

The Thai government responded to the atrocity by closing the border at Aranyaprathet and delivering a strong note of protest, demanding full compensation for the damage done to the villages. The Khmer government responded with a note denouncing the Thai protest as "an act of interference in Cambodia's internal affairs." The communists contended that Thailand had "colonized" the three villages in 1972, which were from 300 to 800 meters inside Cambodia, and that the Khmer government had merely been "arranging its internal affairs in these three villages."⁶

⁶ Most observers agreed that the January raid and subsequent Khmer terrorist attacks in disputed border areas were largely the result of the fact that the two countries were relying on different maps of the border: In 1907, Thailand signed an agreement with France, whereby the Thais gave up their claim to the Khmer provinces of Battambang and Siem Reap; and, two years later, a joint Franco-Khmer commission drew up a map which the Cambodians still regard as authoritative. The Thais, however, rely on an American military map prepared in 1954, which differs from the 1907 map in certain areas. In any case, the frontier runs through largely uninhabited jungle and is "defined by only 73 boundary markers in 420 miles." *Keesing's* (3 February 1978): 28808.

At the end of the Second World War, Thai leaders recognized that they had to return land gained in Burma and Malaysia as a result of collaboration with the Japanese during the war. However, they hoped to retain control of Sayaburi province in Laos and Battambang, Sisophon, and Siem Reap provinces in western Cambodia: "Not only was there a long history of Siamese influence in these areas, but the four provinces had been legally ceded to Thailand in May 1941 by the Vichy French government (though the Free French had not recognized the cession), and there had been no Siamese declaration of war against France, as there had been against Great Britain and the United States." Poole, 38.

"In August 1946, when Thailand's application for membership was discussed at the United Nations, France informed the committee on the admission of new members that it would consider itself in a de facto state of war with Thailand until the disputed border between Thailand and French Indochina was settled...

Some analysts have held that, aside from the controversy over the boundary, the January massacre may simply have been a reprisal against Thai villagers who had failed to deliver supplies which had been sold illegally to the Khmer Rouge but never delivered.⁷ Another explanation was that the January raid and several other attacks on border villages were reprisals for attacks by anti-communist *Khmer Serei* ("Free Khmer") guerrillas operating out of refugee camps in Thailand.⁸ Whatever the motives behind these and subsequent Khmer Rouge attacks, they were to cost the lives of almost 200 Thai civilians and security personnel by the end of 1977.⁹

Even more ominous than the scattered terrorist incidents along the frontier was the growing evidence that the Khmer Rouge were stepping up their support for the Thai communist insurgents in the Thai provinces of Sisaket and Prachinburi which border northern Cambodia. Since these provinces are heavily populated by

"Thailand was... compelled to give in on the main points of its boundary dispute with France, because the latter could veto its membership in the United Nations and because both Britain and the United States supported France on the matter. The November 1946 Franco-Siamese agreement returned the four disputed Lao and Cambodian provinces to France..." *Ibid.*, 42-3.

⁷ Soon after the massacre, "22 Thai customs, police and local officials from Aranyaprathet were arrested and jailed for illegally trading with Cambodia." *Far Eastern Economic Review* (FEER), 12 August 1977, 16.

Two Thais and a Cambodian refugee were executed by the Thais without a trial for having acted as guides for the Khmer Rouge and for smuggling contraband. A third Thai had his death sentence commuted to five years imprisonment because he was a minor. *Keesing's* (19 August 1977): 28511-2.

⁸ The Thai military denied it supported such groups, but a Khmer Serei leader in Bangkok claimed that the guerrillas had been more active inside Cambodia during early 1977 because of contributions received from Khmer refugees who had been resettled abroad. *FEER*, 19 August 1977, 9

⁹ See *FEER*, 5 August 1977, 14; and *Facts on File* (4 February 1978): 1.

On 6 August 1977, Prime Minister Thanin reported that there had been 400 incursions by the Khmer Rouge since the beginning of the year. *Keesing's* (3 February 1978): 28808.

ethnic Khmer, Thai strategists feared that the communists would eventually succeed in encouraging irredentist claims to large areas of the region.¹⁰ Such fears did much to harden the attitude of the Thais toward the continuing influx of Khmer refugees.

In May 1977, a longstanding border dispute between Cambodia and Vietnam flared into heavy fighting along their common frontier; and there followed a brief respite in incidents along the Thai-Khmer border. On July 23, however, the Khmer Rouge renewed their terrorist campaign against Thailand by launching a series of raids on villages located from Aranyaprathet down to the port city of Trat on the Gulf of Thailand. More than 28 Thai civilians and five policemen were killed in the raids and 14 Khmer soldiers reportedly disguised as civilians were killed by Thai civilian volunteers. During this period, it became evident to foreign journalists that Thais living in the border areas had become so incensed by Khmer Rouge atrocities that they were turning their wrath on any Cambodians found on their soil.¹¹

Attacks on Thai villages continued, resulting in scores of civilians being killed and over a thousand forced to flee their homes. Thai authorities reported in August that there had been about 400 incursions since the beginning of the year; and by early September, the Khmer Rouge had occupied about 20 square miles of

¹⁰ *FEER*, 5 August 1977, 14.

¹¹ Thai military authorities reported that the village of Ban Sa-Ngae in Aranyaprathet province was attacked by Khmer Rouge troops and that 35 "Cambodian spies" were shot down by border police. One foreign correspondent observed: "This must be the first time that a band of men, women, and child spies has advanced over a frontier in broad daylight, but they did not live to set the record straight." *FEER*, 16 September 1977, 13.

disputed territory, most of it within a boundary line which had been determined by the French and Cambodians in 1907. Intelligence reports indicated that "a six-mile deep no man's land of minefields and punji stakes" had been constructed on the Cambodian side of the border.¹² Thus, in effect, the Khmer Rouge had established a *cordon sanitaire* on both sides of the border, particularly in the disputed areas; and, as a result, there was a sharp reduction in the number of Khmer refugees entering Thailand.

Negotiations with the Khmer Rouge

On November 23, 1977, the newly installed government of General Kriangsak broke with the policy of *non-refoulement* which had been followed by his predecessor and forced the repatriation of twenty-six Khmer asylum seekers on the grounds that they had been gathering military intelligence and therefore constituted a threat to national security. In response to this action, the U.N. High Commissioner for Refugees, Prince Sadruddin Aga Khan, sent the Thais a note of protest, recalling that Thailand had endorsed a 1975 U.N. declaration on territorial asylum which forbade the forcible repatriation of refugees.¹³

Serious terrorist attacks occurred again in late December; and, while Prime Minister Kriangsak warned of "heavy military retaliation," no significant military counter-measures were ever

¹² *Newsweek*, 19 September 1977, 63.

¹³ *Facts on File* (11 December 1976): 929.

undertaken.¹⁴ The RTG did, however, initiate an extensive program to expand Thailand's conventional warfare capabilities by engaging in force modernization and the large-scale procurement of modern weaponry.¹⁵

On January 30, 1978, while Vietnamese forces were occupying territory within Cambodia's eastern frontier, the Thai Foreign Minister, Uppadhit Pachairyangkun, began discussions with the Khmer Premier, Pol Pot, and the Deputy Premier, Ieng Sary, in Phnom Penh. Upon his return to Bangkok, the Minister remarked that the Khmer officials had agreed with him that the Thai-Khmer border dispute could be settled peacefully.¹⁶

Both Minister Uppadhit and Prime Minister Kriangsak subsequently claimed that the terrorist incidents in the border provinces were not the result of decisions made in Phnom Penh, but instead were the work of a "third force" which sought to keep Cambodia and Thailand at odds with one another. Neither Thai official would identify this "third force," but some observers main-

¹⁴ *Ibid.* (31 December 1977): 949.

¹⁵ "...During the heydays of the American alliance, which afforded the kingdom almost absolute security from direct external military threats, (Thailand's military) capabilities had been left largely underdeveloped... The scale of these (new) endeavours can be gauged from the fact that between 1975 and 1978, the RTG's budget allocations for defence were increased by well over 20 per cent annually, raising the percentage of military spending to gross national product (GNP) from 2.77 to 3.49 per cent, and to the total budget from 16.4 to 20.3 per cent in the meantime. Another big round of increase, nearly 24 per cent, took place in the aftermath of the first major Vietnamese incursion in June 1980, and the continued Vietnamese occupation of Cambodia has seen a rise in Thailand's defense spending as a percentage of GDP from 3.43 per cent in 1979 to 3.95 per cent in 1985. In the 1978-81 period, foreign loans totalling 16,400 million baht (or US\$810 million) were obtained to help pay for arms procurements, which served to increase the RTG's foreign military debt more than ten times between 1978 and 1983." Samudavanija, "In Search of Balance," 202-3.

¹⁶ *Ibid.* (4 February 1978): 61.

tained that Thai communist insurgents, operating out of four bases in Cambodia, filled this role. Others argued that the terrorism was the work of dissidents in the Khmer Rouge army who were allied with a pro-Hanoi faction within the Khmer ruling clique.¹⁷

Whether or not the Pol Pot Government was in control of events along the frontier, terrorist activities were to continue during 1978, despite the Khmer leadership's protestations of friendly intentions towards Thailand: On February 9, more than 300 men, women and children were abducted from their village in Ubon Ratchathani province and spirited away into Cambodia. Eyewitnesses stated that the kidnapping was carried out by both Thai communist guerrillas and Khmer Rouge troops.¹⁸ This was soon followed by the kidnapping of fifty villagers from a border town in neighboring Buriram province and another 250 Thais from a frontier town in Chantaburi province.¹⁹

¹⁷ "Thailand braves the border minefield" by Richard Nations, *FEER*, 10 February 1978, 10-11. See also *ibid.*, 17 February 1978, 11-12.

It is interesting to note that during the whole period of the U.S. presence in Thailand, there were only two reported attacks on bases in which U.S. personnel were stationed: "These occurred in July 1968 and July 1969. The first incident resulted in two deaths, one Thai and one American, plus four Thai wounded; no casualties were reported in the second incident. Physical damage in both cases was minor." "Symington Hearings, Part 3-Kingdom of Thailand," 765; cited in Randolph, fn., 77.

¹⁸ *Ibid.* 24 February 1978, 10-11.

¹⁹ *Nation Review*, 7 March 1978.

See also Henry Kamm, "Thais upset by abduction of 350 border villagers into Cambodia," *New York Times*, 21 February 1978; and *FEER*, 24 February, 110-111.

None of those kidnapped were reported to have returned, but there were reports that 250 of them had been forced to settle along the Khmer-Laotian frontier in a new settlement area designated "United Thai." One report from Bangkok quoted "Western diplomatic sources" to the effect that the abductions were part of the Khmer Rouge policy of clearing civilians out of the entire region bordering both Thailand and Vietnam in order to prevent infiltration and the escape of refugees from Cambodia. *Facts on File* (28 April 1978): 301.

The Thai Deputy Interior Minister, General Prem Tinasulanonda, observed that the communists had made a major blunder by their mass kidnapping because

Foreign Minister Uppadhit blamed the kidnappings on "poor communications in Cambodia or lack of discipline by Cambodian field commanders;" and reaffirmed his faith in the Khmer government's peaceful intentions towards Thailand. Prime Minister Kriangsak blamed the kidnappings on Thai communists based in Cambodia; and stressed that he did not believe the Pol Pot authorities were involved.²⁰

Despite these assurances, frequent Khmer raids, often in collaboration with Thai communist guerrillas, continued to terrorize Thai border villages. Cambodian patrol craft were also reported to have harassed Thai fishermen, causing some casualties and the arrest of about 100 who were held in Cambodia. On May 18, a Thai military spokesman reported that a total of 111 incidents had occurred along the frontier during the previous four months.²¹

At the request of the Thai government and with the encouragement of the Chinese, Khmer Deputy Premier Ieng Sary paid an official visit to Bangkok during July 14-18 and engaged in talks with the Thai Foreign Minister. The ministers agreed that their respective governments would do their utmost to prevent further border incidents. It was also agreed that the two nations would exchange ambassadors and trade representatives and restore

"This has shown our people what the Communists are really like." He also noted that this tactic was one of desperation, indicating the weakness of the rebels in the face of the increasing effectiveness of the "Village Volunteer Defense Corps," which he reported as numbering over 170,000 men. *Bangkok Post*, 30 May 1978.

²⁰ *Nation Review*, 7 March 1978.

²¹ *Keesing's* (4 May 1979): 29583.

direct telegraphic communications which had been disrupted since the fall of Phnom Penh.²²

Notwithstanding these agreements, sporadic border incidents continued, the most serious of which resulted in the death of seven Thai soldiers in an ambush on August 30.²³ Still, the Kriangsak Government did its utmost to prevent any such untoward incidents from delaying a political rapprochement with the Cambodians, which would allow the two nations to coordinate their policies toward their common enemy, the Vietnamese.

Owing to the alarming security situation in the border territories, the Thai authorities decided to round up some 8,000 Khmer refugees who had managed to settle themselves on Thai territory and herd them into the displaced persons camp at Klong Yai, which already held about 15,000 Khmer.²⁴ The Thai Minister of the Interior, General Lek Naemali, also announced in late October that the government planned to set up 10,000 "strategic villages" along the border and train the villagers to defend themselves.²⁵ By this time, however, the scale and rate of incidents along the frontier were markedly reduced as the Khmer Rouge were obliged to divert troops to their eastern frontier to meet the threat of increased hostilities with the Vietnamese.

²² *Ibid.*, See also *New York Times*, 15 July 1978.

²³ *Keesing's* (4 May 1979): 29583.

²⁴ ²³*New York Times*, 2 May 1978; and *Facts on File* (12 May 1978): 341.

²⁵ *Keesing's* (4 May 1979): 29583.

The Vietnamese Conquest of Cambodia

The Thais were able to derive a small measure of satisfaction from the fact that, regardless of how bad was the situation on their border with Cambodia, conditions on the border between Cambodia and Vietnam were much worse: In April 1977, the forces of the Pol Pot regime launched a major attack on the Vietnamese provincial capital of Chau Doc; and this was followed in September by an incursion into the border region of Xa Mat. This onslaught triggered a Vietnamese counterattack in December which caused Phnom Penh to break off relations with Hanoi. By early January 1978, Vietnamese forces had pushed more than twenty mile inside Cambodia.²⁶

There were various reports of large-scale border incursions by both Vietnamese and Khmer forces during the early months of 1978; and foreign journalists confirmed that the Khmer Rouge were committing atrocities in Vietnamese villages which were similar to those they had committed in Thailand in early 1977.²⁷ In June 1978, the Vietnamese government appealed for international assistance to care for an estimated 750,000 Vietnamese civilians who had been displaced from their homes by border hostilities and for some 150,000 Khmer and 170,000 ethnic Vietnamese who had fled to Vietnam under the protection of Vietnamese troops returning from retaliatory strikes inside

²⁶ One observer noted that prior to the December counterattack, the Vietnamese government had been "silent on the situation inside Cambodia and kept up messages of greetings and official support for Cambodia's international actions." It was also pointed out that, in 1975, several thousand ethnic Khmer and Chinese refugees had been forcibly repatriated to Cambodia in order to curry favor with the Khmer Rouge. *FEER*, 21 April 1978, 21.

²⁷ *Keesing's* (27 October 1978): 29272.

Cambodia.²⁸ There were also persistent reports that the Vietnamese were training from 15,000 to 20,000 Khmer refugees to serve as a guerrilla force against the Pol Pot regime.²⁹

By September 1978, the Vietnamese had occupied over 400 square miles of Cambodian territory and were poised for a major assault on the remainder of the country. Finally, in late December, about 100,000 Vietnamese troops, supported by about 20,000 Khmer guerrillas, advanced deep into Cambodia on several fronts. Phnom Penh fell to the invaders on January 7; and, on the following day, the provisional government of the "Peoples Republic of Kampuchea" (PRK) was formed with a former Khmer Rouge official, Heng Samrin, as president.³⁰

Within a week of the capture of Phnom Penh, all major Cambodian towns were in Vietnamese hands and Vietnamese tanks were stationed at strategic points along the Thai-Khmer frontier. In March, Western intelligence sources reported that over 1,000 Lao communist troops had crossed into Cambodia to replace Vietnamese units which had been sent to take part in the offensive against the Khmer Rouge in areas still under their control. A Laotian spokesman later confirmed that Vietnamese troops had used Laotian territory as a staging area for the invasion of Cambodia.³¹

The worst fears of Thai strategists had now been realized: Instead of serving as a buffer against Vietnam, Cambodia and Laos were now apparently serving as bases for future Vietnamese

²⁸ *FEER*, 23 June 1978, 20.

²⁹ See *New York Times*, 30 April 1978 and 18 May 1978.

³⁰ *Keesing's* (25 May 1979): 29615.

³¹ *Ibid.* (25 May 1979): 29618.

subversion and aggression against Thailand. As General Saiyud was later to point out:

... Overnight, we in the Thai armed forces were forced to re-examine our perspective on defense against external aggression. For the first time in 40 years, we had a powerful enemy poised on our doorstep. No longer could we afford to focus solely on domestic security concerns. The enemy was real and he was only a few hours away.³²

³² Pongsak Srisock, "Saiyud proposes 'War Reserve Contingency Pool'" *Nation Review*, 7 December 1982.

"... Hanoi's invasion of Cambodia at the end of 1978 not only shattered the prospect of (a) *modus vivendi* developing into a durable structure of peace, but also presented a "clear and present danger" to Thailand at the very time that the latter was no longer assured of direct military protection from the United States. The stationing in Cambodia and Laos of between 200,000 and 250,000 Vietnamese troops, well supplied with Soviet military hardware and backed by the growing Soviet naval presence in the region, posed threats of invasion, incursion and subversion both along the whole of the easily penetrable 2,500 kilometre-long eastern border of the kingdom and across the Gulf of Thailand..." Samudavanija, "In Search of Balance," 190.

Chapter X: Thailand and the Khmer Border Settlements

Soon after the Vietnamese invasion of Cambodia, the RTG engaged in a flurry of diplomatic activity as it desperately sought to fashion a new policy to safeguard Thailand's security. Prime Minister Kriangsak pledged that Thailand would remain neutral with respect to the struggle in Cambodia, but indicated concern about "the independence and freedom of all countries in Southeast Asia, and especially of Democratic Kampuchea." The Thai leader urged that all foreign forces be withdrawn and that the civil strife in Cambodia be settled by peaceful means.

It was abundantly clear to Thai policy-makers that, given the traumatic legacy of the Vietnam War, the Americans could not be depended upon solely to guarantee Thailand's security, as they had been in the past. Thus the RTG was obliged to formulate a new strategy to exert the maximum political, diplomatic, economic, military and moral pressures on Vietnam. The United States remained a key player in this strategy, but the Thais were also able to enlist the diplomatic support of their allies in ASEAN; and, perhaps most important of all, they were able to secure the assistance of China, which regarded the Vietnamese as the clients of Soviet imperialism in the region.

ASEAN's Diplomatic Offensive

Vietnam's invasion and occupation of Cambodia, which had been facilitated by a prior treaty of friendship with the Soviet Union, marked a turning point for ASEAN in its efforts to promote regional

security. It was clear that the Vietnamese had altered the balance of power to the disadvantage of Thailand and China and it was equally clear that a corporate response was required on the part of the members of ASEAN if the credibility of the Association were to be preserved. Even though there was much dissent among the members regarding how best to deal with Vietnam as a foe and China as a tacit ally, a corporate response was quickly forthcoming.¹

The Association clearly lacked both the military capability and a common strategic perspective which would have enabled it to respond as a conventional collective security alliance and meet force with force. Its only recourse was to act as a "collective political alliance" to pressure the Vietnamese by means of diplomacy into withdrawing from Cambodia. Thus, the members agreed to engage in a concerted diplomatic offensive designed to evoke condemnation of Vietnam's violation of Cambodia's sovereignty, to challenge the

¹ "There were misgivings, particularly on the part of Indonesia and Malaysia, who have regarded China and not Vietnam as their main source of external threat. The prospect of Vietnam as the dominant power in Indochina was viewed by them with mixed feelings. They were more apprehensive that an open ended commitment to principle would distort their own national security priorities. At the root of such misgivings was a general fear that ASEAN's engagement in the conflict over Kampuchea would serve to entrench the rivalries of external powers so returning South-East Asia to the condition which it had experienced during the first two Indochina wars. Regional subordination and not regional autonomy would be South-East Asia's enduring fate.

'... ASEAN's diplomatic role has been effective... because of the overall impact of a wider structure of alignments directed against Vietnam to which it became a party. the nature of that structure, which incorporated a burgeoning tacit alliance between Thailand and China, served to impose a strain on corporate dealings within ASEAN over its regional role. It would be an exaggeration to describe ASEAN as a house divided against itself over Kampuchea. none the less, the governments of the Association have been privately and sometimes publicly at odds over how to reconcile their individual security interests with the collective diplomatic stance since January 1979.'" Michael Leifer, *ASEAN and the Security of South-East Asia* (London: Routledge, 1989), 11-12.

legitimacy of the newly installed Khmer government of Heng Samrin within international fora, especially the U.N General Assembly, and to encourage the Western powers, particularly Japan, to deny Vietnam much needed economic aid until she withdrew her forces to her own borders.² Later, they would also furnish military and economic aid to the non-communist Khmer resistance groups which would engage, along with the Khmer Rouge guerrillas backed by China, in an insurgency against Vietnamese forces inside Cambodia.

ASEAN's diplomatic campaign against Vietnam was initiated when the Chairman of the ASEAN Standing Committee, Indonesian Foreign Minister Dr. Mochtar Kusumaatmadja, issued a statement expressing the concern of the member countries regarding the "escalation and expansion" of the armed conflict taking place between the two Indochinese states. He urged the U.N. Secretary General to visit the region and the U.N. Security Council to take steps to restore "peace, security and stability" to the region as soon as possible.³

During January 12-13, the ASEAN foreign ministers met in Bangkok in a special conference to consider the crisis in Cambodia. After their deliberations, they issues two joint statements, the first of which formalized the earlier statement by the Chairman of the Standing Committee, calling for action by the U.N. Security Council and "affirmed the right of the Kampuchean people to decide their

² Allan Gyngell, "Looking Outwards: ASEAN's External Relations," in Alison Broinowski, ed., *Understanding ASEAN* (New York: St. Martin's Press, 1982), 133.

³ Text in Donald E. Weatherbee, ed., *Southeast Asia Divided: The ASEAN-Indochinese Crisis* (Boulder: Westview Press, 1985), 97.

own future without external interference or influence..." The statement also indicated that in order to restore "the independence, sovereignty and territorial integrity of Kampuchea," all of the ministers demanded "the withdrawal of all foreign troops from Kampuchean territory."⁴

The second joint statement dealt exclusively with the problems posed by the Indochinese refugees, whose numbers were now being augmented by tens of thousands of Khmer who were fleeing into Thailand to escape the fighting in their country. The statement noted that the refugee influx "is causing severe economic, social, political and security problems, particularly to those countries bearing the heavy burden of the influx, such as Thailand and Malaysia;" and indicated the agreement of the ASEAN ministers "on the urgency of intensifying joint ASEAN efforts "to secure more expeditious and increased departures of such people for permanent settlement in third countries as well as to secure a wide range of countries offering permanent settlement opportunities to those

⁴ Text in Weatherbee, 98.

"In truth, the credentials of some ASEAN members were not unblemished in upholding respect for national sovereignty. In December 1975 Indonesian forces had annexed the Portuguese sovereign possession of East Timor in order to deny independence to a radical left-wing movement which had seized power there. During the mid-1970s Malaysia had inspired covert acts calculated to destabilize the British-protected Sultanate of Brunei. And during the late 1960s the Philippines had been implicated in a subversive exercise apparently designed to advance a territorial claim to the east Malaysian state of Sabah, which provoked in turn Malaysian support for Muslim rebellion in the southern Philippines. By comparison, Vietnam's invasion of Kampuchea was a more blatant violation of national sovereignty, if also the result of considerable provocation. Regardless of the comparative demerits of the behaviour of Vietnam and some ASEAN states, the Association closed ranks to set the terms of public international debate over the Kampuchean issue and consequently assumed a security role of a king. In this undertaking, an ability to influence international recognition was the major weapon in ASEAN's diplomatic armoury." Liefer, 94-95.

people." It urged the international community "to give more meaningful support to the UNHCR" and stressed that "all measures for solution of the refugee problem must be based on guarantees that the countries of transit will not be burdened with any residual problems." The statement insisted that "the government of Vietnam which has pledged to promote regional peace and stability, and other countries from which such people come should take appropriate measures to tackle the problem at the source;" and concluded that "such measures... would contribute to regional peace and stability."⁵

Thailand Appeals to the West for Aid

After consolidating support within ASEAN, the RTG took steps to gain support from the Western allies. During January 16-19, Prime Minister Kriangsak paid an official visit to Japan and reportedly requested Japanese support in case of an invasion of his country from Cambodia. The joint communique issued at the end of the visit repeated the call for the withdrawal of all foreign troops from Cambodia.⁶

The Prime Minister next visited Washington (February 6-7) and received a pledge of support from President Carter. In a joint statement, the two leaders announced that they had "agreed on the importance of an independent Cambodia to regional stability;" and the President indicated he would request congressional approval for an initial increase of military credit sales to Thailand from \$24 million to \$30 million, as well as approval for the transfer to the Thai

⁵ Text in Weatherbee, 99-100.

⁶ *Ibid.*

government of \$11.3 million worth of small arms ammunition, which had been stockpiled in Thailand.⁷ The Thai leader announced that he had also received the President's assurance that the United States would speed up delivery of tactical fighter planes, heavy weapons, and ammunition to Thailand, as well as increase the number of refugees in Thailand to be resettled in the United States.⁸

Kriangsak then flew to Moscow where he conferred with Soviet Prime Minister Kosygin and Foreign Minister Gromyko.⁹ Though he received assurances of friendly intentions, it became clear that the Soviets would do little or nothing to assist in ending the occupation of Cambodia.

During March, with support from the Western powers assured, ASEAN launched an initiative on the Cambodian crisis in the U.N. Security Council, which, as expected, was vetoed by the Soviet Union. However, during the fall session of the General Assembly, ASEAN secured two victories - recognition of Pol Pot's Democratic Kampuchea as the sole legitimate government of Cambodia and passage of the "ASEAN resolution," calling for the "immediate withdrawal of all foreign forces from Kampuchea" and asking "all

⁷ *New York Times*, 7 February 1979.

"U.S. military sales credits for Thailand subsequently underwent a modest increase, from \$30 million (FY 1979) to \$36 million (FY 1980). This was more than matched by a dramatic increase in Thailand's over all level of military expenditure. From 1978 to 1979, defense expenditures rose from \$737 million to \$942 million, resulting in a surge in the level of arms imports from 1979 to 1980 from \$120 million to \$320 million." *World Military Expenditures and Arms Transfers, 1971-1980* (Washington, D.C.: U.S. Arms Control and Disarmament Agency, 1983); cited in Randolph, 215.

⁸ *Ibid.*, 14 March 1979.

⁹ *Ibid.*, 22 March 1979.

States to refrain from all acts or threats of aggression and all forms of interference in the internal affairs of States in South-East Asia."¹⁰

Thailand and the Chinese Connection

While Kriangsak was on his diplomatic missions, the RTG was engaged in secret diplomacy with the Chinese in order to forge anew security arrangement directed against Vietnam.¹¹ It was agreed informally that, in exchange for Thailand's permission to channel arms through her territory to the Khmer Rouge, the RPC would end her support for the CPT and would ensure that the communists in Thailand would not impede the RTG's efforts to cope with the threat from Vietnam and that they would assist the Thais in developing their military power. In addition, the Chinese were to make a series of public statements warning the Vietnamese of "severe punishment" should they dare to invade Thailand.¹²

¹⁰ Michael Antolik, *ASEAN and the Diplomacy of Accommodation* (New York: M.E. Sharpe, Inc., 1990), 118.

¹¹ "Since 1979, despite the fact that the Thais continue to see China as a potential threat, the RTG has attempted to forge a close working relationship with it as a countervailing force against Vietnam... The kingdom's war-fighting capabilities have also been and are to be further enhanced by transfers of Chinese arms, ranging from 130mm artillery pieces, T-69 battle tanks, armoured personnel carriers, to anti-aircraft batteries." Samudavanija, "In Search of Balance," 201-2.

¹² "... China's support, expressed in a willingness to embark on a military expedition against Vietnam despite its treaty of friendship with the Soviet Union, was a decisive factor in sustaining the momentum of ASEAN's initial stand. It was of signal relevance to the insistence by the Thai government that its regional partners stand up and be counted in a collective demonstration of ASEAN solidarity. If they had shown themselves to be unwilling in the circumstances to close ranks in confronting Thailand's historic enemy, then its future participation in ASEAN could well have been placed in jeopardy. Whether Thailand would have been disposed to confront Vietnam solely on the basis of diplomatic support from regional partners is an academic question. It would not seem to have been likely, however, in the (sic) light of its government's accommodating response after 1975 to the assumption of power in neighbouring Laos by the People's Revolutionary Party. In the case of Laos, viewed also as an interposing buffer between Vietnam and Thailand, Bangkok had no alternative but to accommodate to the

On February 17, 1979, following a series of incidents along the Sino-Vietnamese border which began the previous September, Chinese forces invaded the northern province of Vietnam. Chinese spokesmen explained that this was "a limited counterattack" to "punish" Vietnam for attacking Chinese territory and for invading Cambodia.¹³ After heavy fighting which resulted in many casualties on both sides, Chinese forces were withdrawn from Vietnam by mid-March.¹⁴

During this period, U.S. intelligence sources revealed that, despite official denials, Thailand was permitting China to supply arms and munitions to Khmer Rouge forces "through ports and possibly airfields" on her territory.¹⁵ U.S. officials reportedly warned

change of regime in Vientiane, however unpalatable the elimination of monarchy in Luang Prabang. The relationship of political dominance and dependence between the ruling Communist parties in Hanoi and Vientiane was accepted grudgingly as inevitable in the absence of any credible internal opposition within Laos and of any significant external source of challenge to the new power structure..." Leifer, 96.

¹³ *Facts on File* (23 February 1979): 121-2.

In addition to insisting on the withdrawal of Vietnamese troops from Cambodia and Laos, the Chinese demanded that Vietnam evacuate her small garrison from the Spratly Islands in the South China Sea, that she relinquish her claims to the Chinese occupied Paracel Islands, that she should repatriate as many of the estimated 200,000 ethnic Chinese refugees from Vietnam who wished to return, and that she stop "mistreating" those ethnic Chinese who remained in Vietnam. *Facts on File* (27 April 1979): 299.

¹⁴ The Vietnamese Defense Ministry indicated in a communique on March 19 that 62,500 Chinese had been killed or wounded, 280 tanks and armored cars and 115 pieces of artillery had been destroyed, and a large quantity of military equipment captured. The Chinese also reported on May 2 that 20,000 Chinese and 50,000 Vietnamese had been killed or wounded. *Keesing's* (12 October 1979): 29874.

¹⁵ There were two sources of information - the border and Phnom Penh. There was still only a handful of relief officials in Phnom Penh; their movements were being strictly controlled, and their communications with the world outside were very poor. Far more information was coming from the border and much of that news came through the United States government. The process demonstrat(ed) the extent of its reach and influence.

It began with interviews of refugees along the border by officials of the Kampuchea Emergency group and others from the Embassy. These were written up as 'situation reports' by political officers in Bangkok and were sent

Kriangsak during his visit to Washington that Vietnam might use the Chinese shipments in Thai territory as a pretext for an invasion of Thailand.¹⁶ The clandestine shipments continued, however, apparently because the Thais were assured that China would "punish" the Vietnamese again should they dare to invade Thailand.¹⁷

Thai policy planners recognized that, while the United States could be trusted to provide Thailand with economic aid and military supplies, she could not be depended upon to become directly engaged in a land war to defend Thailand so soon after her long and bitter experience in the Vietnam War. China, on the other hand, had demonstrated no reticence in using military force against Vietnam, which was regarded by the Chinese as a surrogate for the Soviet Union in her effort to extend Soviet influence in Southeast Asia at China's expense. Thus, China came to be regarded by the Thais as playing an indispensable role in helping to check any threat Vietnam might pose to their country.

to Washington, where they were used to brief journalists and relief officials. They were also cabled to other United States missions around the world, and the Embassy in Bangkok distributed copies of them to 'friendly' embassies in the city, and sometimes also to Western journalists..." Shawcross, 200.

¹⁶ *Facts on File* (9 February 1979): 84.

¹⁷ *Keesing's* (25 May 1979): 29619; and *Facts on File* (20 July 1979): 537.

"... The countervailing power possessed by China and the Khmer rouge was a much more effective means by which to challenge Vietnam's hegemonic position. Without access to such power, especially from China, it is doubtful whether the Thai government would have adopted a policy of open confrontation as opposed to a characteristic posture of bending with the prevailing political wind. In other words, ASEAN may not necessarily have adopted, let alone sustained the common position articulated in Bangkok in January 1979, in the absence of China's involvement in the crisis..." Leifer, 97.

Thai-Khmer Border Incursions

At the time of the Vietnamese invasion of Cambodia, there was a total of some 15,000 Khmer refugees in UNHCR camps in Thailand. Soon after the invasion, the Thai military reinforced its positions along the Thai-Khmer border and the Thai border police were ordered to close the border on the grounds that incoming Khmer refugees might be "communist sympathizers." Notwithstanding such precautions, officials of the Ministry of Interior and several international relief organizations quietly proceeded with plans to provide shelter and relief supplies to an anticipated flood of Khmer soldiers and civilians fleeing from the Vietnamese onslaught and famine.¹⁸

On January 18, 1979, several hundred Khmer Rouge soldiers, pursued by Vietnamese, managed to cross the Thai border. A Thai spokesman announced that, in accordance with international law, the RTG would permit combatants to enter Thai territory, but would forbid them the use of weapons while on that territory and would transport them to the nearest area on the frontier where they could safely re-enter their country. As for any Khmer civilians who

¹⁸ *New York Times*, 21 January 1979; and *Facts on File* (20 July 1979): 537.

"A major food crisis, which in some areas reached famine proportions, developed in Kampuchea during 1979. The country's agricultural system, which had been almost wholly destroyed by the war of 1970-75, was further disrupted by the wholesale transfer of population carried out by the Khmer Rouge Government... Drought and floods damaged the crops in 1978, and after the Vietnamese invasion the retreating Khmers Rouges carried off all the food they could, destroyed the remaining stocks and rice ready to be harvested, and killed livestock..."

"Offices of the International Red Cross and Unicef who visited Phnom Penh at the PRK Government's invitation in July 1979 estimated that 2,250,000 people were facing starvation, and relief flights began on Aug. 9..." *Keesing's* (23 January 1981): 30672.

managed to cross the border, they were to be "pressed or persuaded to return as quickly as possible to areas of Cambodia where they would not be attacked by Pol Pot (sic) forces hostile to them."¹⁹

The Thais were well aware that many of the Khmer Rouge soldiers seeking sanctuary on their territory had been attacking Thai villages only a few months before. They decided nevertheless that it was necessary to provide covert assistance to these troops in order to make the Vietnamese occupation of Cambodia as onerous as possible. As for the Khmer civilian refugees, Thai policy was based largely on a deep-rooted fear that, as one observer put it, "the further depopulation of Kampuchea can only draw large numbers of overcrowded Vietnamese in to 'colonize' the potentially rice ricelands of Kampuchea and shift the historic balance in Indochina against Thailand."²⁰

¹⁹ "According to authoritative Supreme Command sources, the Thais have adopted a three-point policy to keep the peace on their side of the frontier: return all Kampuchean to Kampuchea; allow safe passage for combatants from either side seeking escape from annihilation by fleeing into Thailand; and resist pursuit by force.

"The Thai reply to criticism is blunt: 'Those who don't like the way we manage the spillover of this war should try to remove the cause of the chaos - the Vietnamese invasion of Kampuchea, with support by a foreign power, which is pushing the war at us...

"Thai policy is to send refugees back across the border, though not into the teeth of a force likely to cut them down. Bangkok recognizes the Khmer Rouge's atrocious record of liquidating suspected defectors, and is determined to put the refugees into areas either controlled by the Vietnamese or neither side.

"Since the war in Kampuchea is fought more over control of population than territory, observers here suspect a deal may have been struck between the Vietnamese and the Thais to funnel Kampuchean into Heng Samrin's hands., This would partially offset, it is argued, Thailand's safe passage for the Khmer Rouge." Richard Nations, "The fight to remain neutral," *FEER*, 11 May 1979, 8-9.

²⁰ "The view of history in which most of the Thai senior officer corps are schooled is that the Thais and the Vietnamese have battled over an impotent Kampuchea for centuries. But where the Thais have merely garrisoned, the Vietnamese have colonized and absorbed, and, as a result, Thailand's buffer state has been more nibbled away than conquered." Richard Nations, "The reality of repatriation," *FEER*, 29 June 1979, 23.

By March 1979, only about 1,500 Khmer were reported to have entered Thailand seeking asylum. Later that month, however, following a large-scale Vietnamese offensive in western Cambodia, the influx of refugees accelerated rapidly: On April 12, about 800 Khmer Rouge soldiers crossed into Thailand's Buriram province and another 300 Khmer, mostly civilians, entered Thailand south of Aranyaprathet.

On April 19, another group of from 5,000 to 6,000 Khmer soldiers and civilians crossed into Thailand north of Aranyaprathet; and were forced back into Cambodia by Thai border police on April 22. The UNHCR alleged on April 20 that Thai military authorities had forcibly repatriated some 1,800 "illegal immigrants" who had been held at a detention center near Aranyaprathet since January, even though many of those repatriated had relatives in the UNHCR camp at Aranyaprathet.

More Khmer estimated to number from 50,000 to 80,000 were reported to have crossed into Thailand near Aranyaprathet during April 21-24; and Thai border officials reported on April 29 that most of these "illegal immigrants" had been forced back into Cambodia in accordance with official policy. The Thai authorities did agree, however, to permit some 600 wounded Khmer Rouge soldiers to enter Thailand for treatment.²¹

The Heng Samrin Government protested on April 16 that artillery fire from Thai territory had harassed its troops which were in pursuit of guerrillas. The RTG denied the charge and reported on

²¹ *Facts on File* (4 May 1979): 318. See also *FEER*, 25 May 1979, 20.

April 24 that Vietnamese artillery had shelled a group of thousands of Khmer refugees on Thai soil, causing casualties.

About 2,800 Khmer soldiers and civilians, fleeing from fighting in their country, crossed into Thailand's northern province of Trat on May 9. Another 5,000 entered the Thai frontier village of And Parai on May 10 and surrendered to Thai authorities. Some of these refugees were permitted to enter UNHCR camps and others were reportedly forced back into Cambodia.²² According to another report, about 12,000 ethnic Chinese were provided safe passage into Thailand by the Vietnamese "during one week in mid-May" and these were followed by a smaller group later.²³

The UNHCR offered to assist in providing relief for all these asylum seekers, as it had for those Khmer who had come in earlier migrations, but the RTG refused the offer on the grounds that most of the asylum seekers were technically on the Khmer side of the border and, therefore, did not qualify for aid or protection as international refugees. Apparently, the Thais were concerned that such a relief program would attract hundreds of thousands more Cambodians to

²² *Facts on File* (4 May 1979): 318.

²³ Hanna S. Greve, "Kampuchean Refugees: Between the Tiger and the Crocodile" (J.D. diss., University of Bergen, Norway, 1987), fn. #60, p. 575.

Ms. Greve worked as an UNHCR assistant protection officer in the camps for Khmer refugees during 1979-81.

The Thais were particularly angered by the influx of these refugees because they feared that they would be the "forefront of a Vietnamese/Heng Samrin 'orderly departure' aimed at clearing Kampuchea of ethnic Chinese." *Ibid.* The Sino-Khmer reportedly had close ties with the influential Chinese community in Thailand and "because of these strong links Thai military planners want (them) to stay in Kampuchea." As one Thai officer put it, "They are the natural commercial class and administrators. If they are driven out of the country, they will inevitably be replaced by Vietnamese, through the sheer necessity of restoring the country." Richard Nations, "The Reality of Repatriation," *FEER*, 29 June 1979; quoted in *ibid.*

the border. As for those thousands of Khmer who had managed to enter Thai territory, they were to be regarded as "illegal immigrants" subject to deportation under Thai law. The RTG did, however, request assistance from the United Nations Children's Emergency Fund (UNICEF) and the International Committee of the Red Cross (ICRC) to aid Thai villages near the border, which were affected by the influx of Khmer refugees.²⁴

By the end of May, Thai military authorities had forced an estimated 65,000 Khmer soldiers and civilians back into Cambodia. A Thai military spokesman reported that "a few hundred" of the repatriates had been killed by Vietnamese troops; and Thai villagers reported to have found "thousand of bodies on both sides of the border."²⁵

In addition to its desire to shift the burden of caring for large numbers of Khmer civilians back to the Vietnamese and the new regime in Phnom Penh, the Thai government appears to have pursued its policy of forced repatriation rigorously at this time because of persistent rumors then current among high-ranking Thai military officers that three Vietnamese regiments, equipped with tanks and missiles, were preparing for a limited incursion into Thailand in order to liquidate Khmer Rouge forces on both sides of

²⁴ Linda Mason and Roger Brown, *Rice, Rivalry and Politics: Managing Cambodian Relief* (Notre Dame: Notre Dame Univ., 1983), 13.

²⁵ *Facts on File* (18 June 1979): 435.

The U.S. State Department indicated on June 12 that the United States was "saddened and concerned" by Thailand's policy of returning refugees "to an uncertain fate." It also noted, however, that "the root of the problem is the policies being pursued by the Vietnamese government at home and in neighboring Indochinese states which are creating this exodus of both Vietnamese and Cambodians." *Ibid.* (15 June 1979): 435.

the border. The Thais were also worried about repeated accusations from Phnom Penh that they were continuing to supply the Khmer Rouge with Chinese arms and were permitting Khmer Rouge officials to maintain liaison with China. In addition, the Heng Samrin Government protested that Thailand was providing sanctuary in her southern provinces for some 45,000 Khmer, half of whom were heavily armed Khmer Rouge soldiers and their dependents. The Thais reportedly repatriated about 2,500 of these "illegal immigrants."²⁶

International Relief for Khmer Refugees

At the end of June 1979, it was announced that the Thai army had forced some 43,000 Khmer combatants and civilians back across the border at Preah Vihear where many were reportedly killed by mines.²⁷ Reports of this tragedy in the international news media galvanized U.S. and international support for a more substantial relief effort on behalf of the Khmer. When Prime Minister Kriangsak announced plans for the forced repatriation of thousands more Khmer on Thai soil, U.N Secretary General Kurt Waldheim interceded before the repatriations could take effect and,

²⁶ Mason, 13; and William Chapman, "Thais reinforce troops along border" *Washington Post*, 24 June 1979.

"After learning that disease and starvation were threatening the lives of many of the primarily ethnic Chinese Khmers who had been pushed back into Cambodia in June, the Swedish government tried to arrange an agreement between Pol Pot's representative in Peking and the Vietnamese and Heng Samrin's ambassadors in Hanoi to provide emergency relief to both sides in the fighting. The Swedes reportedly failed in this effort and were 'particularly irritated' that the Vietnamese would not cooperate." *FEER*, 3 August 1979, 19-20.

²⁷ For an account of this incident, see William Shawcross, *The Quality of Mercy* (New York: Simon & Schuster, 1985), 88-92.

at the urging of the United States and other aid donors, offered \$500,000 in relief assistance to the refugees.

In a national address, Kriangsak laid the blame for Cambodia's plight squarely on the Vietnamese:

"Firstly because they were instrumental in overthrowing an established legal government... which therefore constituted interference and intervention in the internal affairs of a sovereign state. And now they are the source of continued killing and fighting, which together with the resultant famine and starvation is putting in grave danger the very existence of the Khmer race and civilization."²⁸

After a visit to the border area on October 17, during which he was reportedly shocked by the condition of the estimated 155,000 Khmer refugees found there, the Thai premier agreed to suspend the policy of forced repatriation and to permit the international relief agencies to provide relief supplies to refugees on the Khmer side of the border, pending the outcome of a proposed U.N. Conference on the Indochinese refugee crisis to be held the following month.²⁹

On October 24, President Carter pledged \$30 million for the care of Khmer refugees entering Thailand and indicated he would ask Congress for an additional \$30 million. Mrs. Rosalyn Carter visited the border camps from November 7 to 19; and, upon her return

²⁸ Speech in *New York Times*, 31 August 1979; and *Nation Review*, 31 August 1979.

²⁹ Shawcross, 172-3.; *Keesing's* (23 January 1981): 30670. See also *Facts on File* (15 June 1979): 435; and *FEER*, 22 June 1979, 18-19.

"... In June, Catholic Relief Services (CRS), with the cooperation of both the Royal Thai Army and the U.S. Embassy, shipped a mercy convoy (of relief supplies) to the border. In late July the World Food Program (WFP) diverted 1,000 tons of rice from its traditional Thai programs for distribution to the Khmer Rouge refugees... These initial deliveries... were not coordinated with ICRC and UNICEF and did not represent a full-scale aid program." Mason, 16-17.

home, the president directed an additional allotment of \$6 million for the international relief effort then going on inside Cambodia and promised to speed up the program of resettling Khmer refugees in the United States.³⁰

During the U.N. Conference on the Indochinese refugee problem, held in New York on November 5, a total of \$210 million in cash and kind was pledged for Cambodian relief by fifty-one countries. The largest contributions were \$69 million from the United States and \$42 million from the European Community.³¹

The Border Relief Program

Western intelligence sources estimated that between 170,000 to 200,000 Vietnamese troops were being deployed in western Cambodia during August 1979 in preparation for a final dry season offensive to destroy the 20,000 to 30,000 Khmer guerrillas still loyal to the Pol Pot regime.³² The same source estimated that

³⁰ (The president) "instructed the State Department to review refugee resettlement procedures so as to expedite admissions to the U.S., and to consult with the Thai and international agencies on improving contingency plans for an anticipated movement of 250,000 additional Cambodians into Thailand. The monthly allocation of refugee admissions to the United States from Thai camps was simultaneously raised. On November 14, a refugee assistance authorization bill was signed into law which provided \$60 million... for refugee programs. By April 1980, the U.S. contribution to Cambodian relief since October totaled \$87 million." Randolph, 213.

³¹ Keesing's, (23 January 1981): 30672.

³² *New York Times*, 26 September 1979.

"... Thailand's 160,000 troops had limited experience fighting in Korea, South Vietnam, and within Thailand against communist insurgents. Vietnam had 200,000 soldiers in Kampuchea alone; its forces totalled 1,000,000 troops. Giving refuge to the Khmer Rouge might incite the Vietnamese to attack Thailand on the pretense of cleaning out enemy sanctuaries, a frightening scenario with a firm historical base in Southeast Asia.

"The problem went far beyond the fear that aiding Khmer refugees might draw a Vietnamese attack... Any Thai government that aiding the Khmer too freely might lose popular support within Thailand. (Indeed, when Prime Minister

the offensive would drive more than 200,000 more refugees into Thailand. A Thai government spokesman reported that about 130,000 starving Khmer had already gathered along Thailand's border and were expected to cross when conditions permitted.³²

The Vietnamese cut off of supply lines into areas controlled by the Khmer Rouge and months of isolation had left the Pol Pot forces with little food or ammunition. A severe epidemic of cerebral malaria also broke out among the Khmer soldiers and civilians during the summer monsoons. When the Vietnamese launched another major offensive in early September 1979, many of the guerrillas could hold out no longer; and thousands fled from mountain sanctuaries toward the Thai border near Nong Prue, south of the border town of Aranyaprathet.³³

In mid-September, with the approval of the RTG and the Khmer Rouge leadership, a three-man team from ICRC and UNICEF visited Khmer Rouge camps near Nong Prue and Tap Prik and provided a token donation of relief supplies. The team reported that thousands of Khmer were dying of starvation and disease and recommended that an emergency aid program begin immediately.³⁴

Kriangsak resigned in February 1980, many analysts cited his pro-Khmer policies as one reason for his decline in popularity which precipitated the resignation.)" Mason, 14.

³² "(Air Marshall Sitti Sawetsila of the Thai Prime Ministers office) stated that Thai military and civilian officials along the border reported 80 to 100 deaths a day among the Cambodians within their view. Other knowledgeable sources reported that the Cambodians within sight of the border were only a few of the thousands who were suffering untold agony..." *New York Times*, 27 September 1979.

³³ Mason, 18.

³⁴ *Ibid.*, 19-20.

On September 21, the day after the survey team had submitted its report, the RTG convened a meeting of representatives of the relief organizations to delineate responsibilities. It was decided that

... (The) borders would remain closed to the refugees, but... the aid organizations could deliver aid to the border and hand it over to Khmer Rouge representatives. Aid would also be administered to displaced Thai villagers along the border. The Thais decided that the aid organizations could provide food, medicines, blankets, and tarpaulins. The responsibilities were designated as follows: WFP would purchase and deliver relief supplies to government ware-houses; UNICEF was responsible for delivering the supplies to the border and eventually monitoring the distributions; ICRC would conduct the distributions and provide medical services. Prime Minister Kriangsak specified that ICRC and UNICEF should jointly coordinate the border relief program. They were henceforth referred to as the Joint Mission.³⁵

As we have noted, the RTG had decided to provide covert assistance to strengthen the Khmer Rouge resistance to the Vietnamese occupation of Cambodia. At the same time, it recognized the need to maintain an officially neutral stance with respect to the struggle so as not to provoke the Vietnamese into attacking Thailand. The presence of the prestigious international relief organizations and many private foreign voluntary agencies on the Thai-Khmer border would help the Thais shift the conflict to the international arena. Thus, the RTG outlined the following conditions for the donor governments and relief agencies:

- (1) Although Thailand has agreed to be a distribution point for aid, this should in no way interfere with its neutrality.
- (2) Vietnam must agree to Thailand's position of neutrality.

³⁵ *Ibid.*, 21.

(3) There should be a declared ceasefire zone in the border areas where distributions are made. To ensure that the assistance goes to civilian populations and is not used for military or political purposes, there should be an international presence to supervise and monitor.

(4) Any relief aid to Phnom Penh can not be interpreted as recognition of the Heng Samrin regime.

(5) If aid is to be given to Phnom Penh, it must also be given to the Thai border.³⁶

The Border Settlements

The first Khmer groups to arrive on the Thai border during the early months of 1979 were soldiers and civilians affiliated with the Khmer Rouge. By the end of the year, a disastrous harvest and hostilities inside Cambodia caused a migration to the Thai border of tens of thousands of civilian refugees, including many Khmer who were affiliated with the various anti-communist Khmer Serei guerilla groups.

Thailand's leaders decided to make the most of the internationally-funded border relief program of the Joint Mission of the ICRC and UNICEF: They covertly encouraged the Khmer Rouge and the Khmer Serei to establish fourteen civilian settlements in the no-man's land along the Thai-Khmer frontier.³⁷ Though the settlements were technically on the Khmer side of the frontier, they

³⁶ UNICEF correspondence, 19 September 1979; cited in *ibid.*, 20-1.

³⁷ Nong Prue, Tap Prik and Khao Din were the principle Khmer Rouge settlements. Nong Samet, Mak Mun, and Nong Chan were the settlements under the control of various factions of the Khmer Serei. The faction led by Kong Sileah in Nong Chan was loyal to Prince Norodom Sihanouk. In Sakhan, the leader of Nong Samet, and Var Saren, the leader of Mak Mun, were loosely affiliated with Son Sann, a former prime minister under Sihanouk.

"At their height, the Khmer Serei factions in Nong Chan, Nong Samet, and Mak Mun each had between 1,000 and 2,000 soldiers. For the Khmer Rouge, a soldier was anyone with a gun..." *Ibid.*, p. 37.

were closely monitored by the Thai military and were allowed to be supplied with food, water, and medical goods obtained in Thailand.

Soon after the settlements were established, several of those under Khmer Serei control became flourishing centers for black market operations involving gold, gems, timber, foodstuffs and many other commodities.³⁸ Though the RTG had ordered the border closed to all trade in order to deny goods to the Vietnamese and their Khmer allies, Thai authorities could do little to suppress such operations as long as the traders remained on the Khmer side of the

³⁸ "Almost every refugee was a trader to some extent. The camps had a robust economy in which the Thai baht was the standard currency, although gold, fish, the Kampuchean riel, almost anything of value would serve as well. The aid program supplied only salt, oil, beans, fish, and rice to the refugees, who supplemented their diet with vegetables, fermented fish sauce, meat, and many other commodities which they could buy in the marketplace.

....
 "The traders provide an undeniably useful function, both for the camp residents and for those inside Kampuchea who purchased their goods. They sold many necessity items: vegetables, chickens, clothing, and agricultural tools. Yet the traders were unpopular with the Khmer military, Thailand, and the relief organizations. The Khmer Serei soldiers suspected them of being spies and often harassed them as they trudged in and out of the camps. The Thai outlawed trading with the Khmer... to prevent an uncontrolled flow of goods across the border into Vietnamese-controlled Kampuchea or Vietnam itself. Yet Thailand never mustered an unequivocal commitment to eliminating the markets; too many Thai soldiers and traders benefited from the multi-million dollar trade to stop it completely...

"Despite the fact that the nutrition of the camp residents and even many Kampuchean villagers depended on the markets, relief organizations also disliked the traders. Their existence called the importance of the relief effort into question. If refugees could afford to buy food on the black market, what was the point of distributing food for free?... Khmer soldiers could threaten them, relief workers order them about, Thai soldiers shoot at them, but the traders persevered." *Ibid.*, 38-39.

One observer has noted that "The trade problems in and around refugee camps were basically related to the austere camp conditions which the Thais had imposed, and the willingness of the local community to enter into extremely dangerous but lucrative trade games - the main trade items were food and clothing... Trade with refugees in camps in Thailand (when not permitted and encouraged by the Thai authorities) was a drop in the ocean compared to the border trade." Greve, 100.

border; and there was a natural reluctance to suppress activities which soon became extremely lucrative to all concerned.

By early September 1979, the border settlements held a civilian population of over 60,000. By early December, the lack of rain and increased hostilities caused the population to grow to some 300,000. Many of the refugees who made it to the settlements complained that the international relief supplies which had been sent to Phnom Penh had never been distributed to their villages. Some also alleged that the Vietnamese and their allies "were deliberately denying food to starving civilians and mining rice fields."³⁹ For several months, representatives of the ICRC and UNICEF had been trying to persuade the Vietnamese and the Heng Samrin Government to permit their observers to monitor the distribution of relief supplies from Phnom Penh. The Vietnamese and the PRK resented the relief operations along the Thai-Khmer border, which they regarded as part of a political effort to isolate the new Khmer regime. They were particularly sensitive of the growing relationship between the international agencies and the Khmer Rouge at this time because the U.N. General Assembly had just voted in September to permit the Khmer Rouge to continue to represent Cambodia. For its part, the RTG continued to insist that aid could be channeled through Phnom Penh only if it were also provided to the refugee settlements along the border as well.⁴⁰

³⁹ *Facts on File* (26 October 1979): 811 and (7 December 1979): 917; and *FEER*, 18 January 1980, 21.

⁴⁰ Mason, 22.

Finally, on September 26, after long and intensive negotiations, the ICRC and UNICEF issued a press statement announcing that both the PRK and the Khmer Rouge had agreed in principle to admit foreign representatives into areas under their respective control in order "to ensure that food and medicine reaches Cambodia's civilians and not soldiers."⁴¹ However, the Vietnamese and PRK officials were incensed that aid to the Khmer Rouge was mentioned in the same press release as aid to Phnom Penh and, consequently, refused to cooperate with the Joint Mission so long as it provided aid to the Khmer Rouge.

As negotiations in Phnom Penh were reaching the breaking point, the Joint Mission attempted to mollify Phnom Penh by calling a moratorium on press releases, by discontinuing assistance through the Thai border, and by forbidding ICRC and UNICEF personnel to cross the border. As one observer noted, these measures were undertaken only as a temporary expedient since the "explicit strategy" of the Joint Mission was to "hold the mandate" in both Phnom Penh and Bangkok "so that they would be able to integrate the relief effort and use one program as leverage over the other."⁴²

⁴¹ "The breakthrough was achieved after several weeks of strenuous negotiations. It was learned that Ha Van Lau, the head of Vietnam's mission to the United Nations, has been engaged in secret talks with diplomats from the U.S. mission here. At the same time, Kurt Waldheim, the Secretary General, has been pressing Vietnamese officials.

"According to those familiar with the talks, Hanoi was made to realize it could not bear the onus of epidemics and famine that could kill hundreds of thousands of Cambodians." *New York Times*, 27 September 1979.

⁴² "From a humanitarian standpoint, there was no way to justify pulling back on aid to the border. Approximately one hundred thousand refugees suffering from malnutrition and disease had arrived at the Thai border in desperate need of relief. Yet their well-being could not be viewed independently of the consequences for millions of Kampuchians within the country should negotiations with Phnom Penh fail..." Mason, 25.

The "Landbridge" Program

Contravening the policies of the Joint Mission, one of the major private relief organizations, the British-based OXFAM, signed an agreement on October 6, pledging to turn over all aid distributions to the Phnom Penh authorities and denying aid to the border refugees. In mid-October, the Joint Mission reinitiated its airlift of relief supplies into Phnom Penh, but met with harassment from the government. Owing to the critical need for massive relief assistance, which was far beyond the capacity of private relief organizations such as OXFAM, the Heng Samrin government eventually allowed the Joint Mission to expand its operations in Phnom Penh even though it was never given official sanction to do so.

While the Joint Mission quietly resumed its large-scale relief operations on the Thai-Khmer border, it was obliged to drop its demand for stringent monitoring of relief activities in and around Phnom Penh.⁴³ Continued hostilities between Khmer Rouge guerrillas and Vietnamese and PRK troops throughout Cambodia had caused

"Delivering aid through Phnom Penh had a number of advantages the Heng Samrin regime could coordinate the delivery of aid to the provinces; therefore, farmers could receive aid in their villages. Thus the reborn villages could nurture their farms and other productive assets without the disruptions caused by long, exhausting trips to pick up relief aid. Keeping villagers in place also reduced buildups of refugees at sites of aid distribution. Aid did not have to be sent in through areas controlled by guerrillas and black marketeers.

"A major disadvantage of the Phnom Penh channel was that food would be given to a Vietnamese-supported regime whose interests were not necessarily those of the Kampuchean farmers. By handing over the aid to the Phnom Penh authorities, the relief organizations were implicitly recognizing the Heng Samrin regime and to some extent lending legitimacy to the Vietnamese occupation. In addition, in 1980, Vietnam had a two million ton food deficit of its own and also had to feed the two hundred thousand troops that were stationed in Kampuchea. The relief organizations were powerless to install sufficient checks to ensure that the rice was going to the Kampuchean people." *Ibid.*, 26-7.

⁴³ *Ibid.*, 29.

major population dislocations and prevented a normal planting season during 1979. Because of the disastrous harvest results, more than 35 percent of Cambodia's food needs during 1980 had to be provided from abroad.⁴⁴

In December 1979, the Joint Mission initiated a large-scale program to distribute rice across the "landbridge" from Thailand to the border settlements near Nong Chan, where thousands of Khmer were coming in from villages in the interior of Cambodia. By January 1980, hundreds of thousands of these Cambodians were travelling to the border on a regular basis and 10,000 per day were being issued sacks of rice under what came to be known as the "landbridge program." Most of these Khmer returned to their villages with the rice, rather than remain at the border settlements.

During this same period, the ICRC and UNICEF initiated a large-scale program to distribute rice seed out of Phnom Penh in order to meet seed shortages resulting from the previous harvest. It soon became clear, however, that the PRK lacked adequate logistical facilities to serve the vast needs of the country. At the suggestion of the representative of CARE (one of the major private American voluntary agencies in Thailand, which had been sponsoring a supplementary feeding program for children and mothers in the camps and border settlements) and with the financial support of the U.S. Embassy, the Joint Mission approved the distribution of rice seed

⁴⁴ U.N. Food & Agriculture Organization. "Kampuchea." Report of the FAO Food Assessment Mission. (Rome: FAO Office for Special Relief Operations, November 1980), cited in *ibid.*, 91.

instead of rice food to migrants at the settlements so that seed would be distributed in the western provinces of Cambodia.⁴⁵

The Joint Mission decided to proceed cautiously with the border seed distribution so as not to anger the Heng Samrin authorities and thereby jeopardize its larger rice seed program in Phnom Penh. A small scale pilot project was initiated at Nong Chan and when it was successfully completed without any protest from Phnom Penh, the program was rapidly expanded. From the inception of the program in March 1980 to its termination in June, about 22,000 tons of seed were sent across the Thai-Khmer border.

According to authoritative observers, the estimated yield of the harvest in western Cambodia later that year was 115,000 metric

⁴⁵ "The ideal of putting seed as well as food across the land bridge came from UNICEF's border office, from CARE..., and from the Kampuchea Emergency Group (KEG) in the U.S. Embassy. The real impetus came from the Embassy. Michael Eiland of KEG encouraged Rudi von Bernuth, CARE's director to submit a formal proposal; within thirty-six hours, Morton Abramowitz had guaranteed von Bernuth an initial \$100,000 from his Ambassador's Discretionary Fund. It was an extraordinary demonstration of the United States government's ability to harness voluntary agencies to its policies.

"... By the end of the 1980 rice-seed program, the United States government had provided about \$5 million to the voluntary agencies with which to purchase seed for the border operation... In 1981, it provided another \$4 million for seed across the land bridge." Shawcross, 287-8.

"By Thai mandate, UNICEF and ICRS were in charge of all camp distributions of food; therefore CARE would purchase and deliver the supplies of seeds, and the Joint Mission with its distribution facilities, would distribute them." *Ibid.*, p. 93.

Another of the major private voluntary organizations in Thailand, World Relief, proposed a program for the distribution across the border of basic farm implements, including hoe heads, plow tips, rope, sickles, and fishnets. The proposal for the "Subsistence Agricultural Package" (SAP) Program was approved by the RTG, but was initially rejected by the Joint Mission on the grounds that the "Packages" could too easily be traded back to Thai black marketeer and might jeopardize relations between the Joint Mission and Phnom Penh. *Ibid.*, 113-4.

The representatives of World Relief appealed this decision to Sir Robert Jackson, the Special Representative of U.N. Secretary General Waldheim. Following Jackson's intervention, the Joint Mission approved the distribution of 15,000 "SAPs" in May 1980. Soon afterwards, there were reports that the black market at Nong Chan was "filled with SAP hoe heads." *Ibid.*, 115, 117-8, 130.

tons of rice, a 20,000 ton surplus for the population in the area. While this did not match the levels of production which the region had achieved in the 1960's, it far exceeded the output of the previous year and greatly reduced the dependence on outside food aid.⁴⁶ To the extent that the Landbridge Program reduced hunger among the inhabitants of western and central Cambodia, it served to stabilize conditions in the provinces along the Thai-Khmer frontier and thereby helped lay the groundwork for an eventual political settlement.

A Change in Policy: The Khmer "Holding Centers"

Owing to the danger of intermittent hostilities along the border, the world press, the voluntary agencies, and several friendly governments began to urge the RTG to relent on its policy of holding Khmer refugees in the settlements and permit at least some of the civilian inhabitants of the settlements to be moved to areas inside of Thailand where they would be safe from attack. To encourage this

⁴⁶ *Ibid.*, 91.

About \$634 million was spent under the auspices of the Joint Mission during 1979-81 for relief assistance on the border and inside Cambodia; and almost half of that was spent in Thailand. According to one observer, "This bias (in favor of programs on the border) was partly explained by the increasing difficulty of obtaining visas for foreigners to work in Cambodia; in any case, it became more and more pronounced every year, until by 1983 one reached a situation in which the donors were prepared to give about \$70 million for the border and the holding centers and less than \$2 million for all of Cambodia itself." Shawcross, 396.

Of the total spent by the Joint Mission almost half or \$290.4 million was spent on food, of which \$166.4 million was the value of food distributed within Cambodia, \$68.8 million in food was provided along the border, \$35.7 million was distributed in UNHCR holding centers, and \$19.5 million was provided for the "Affected Thai Village" Program. In addition, UNICEF officials estimated that food provided by the World Food Program to the Royal Thai Army for distribution to the predominantly Khmer Rouge camps in the northern and southern sectors of the border cost about \$11.8 million. *Ibid.*, 295.

change in policy, the United States and other concerned nations promised to provide substantial aid for the Khmer and other Indochinese refugees, as well as for Thai villagers who had been displaced as a result of border hostilities.

On October 19, 1979, Prime Minister Kriangsak announced that, for humanitarian reasons, Thailand would permit the establishment of "holding centers" well inside Thai territory to shelter a substantial number of the Khmer who wanted to leave the border settlements. It was understood that the centers would be operated under the auspices of the UNHCR, but that the inhabitants would be regarded as "illegal immigrants," subject to Thai law, and that the Joint Mission would continue to provide food and medical services to those Khmer who remained in the settlements.

The RTG agreed to the establishment of a center at Sa Kaeo, forty miles inside Thailand, for the Khmer Rouge refugees wishing to leave the settlements of Nong Prue and Tap Prik; and in a few days, a city of small huts and improvised shelters were constructed for 32,000 refugees.⁴⁷ Another, much larger center was established at Khao I Dang to shelter refugees from several border settlements of the Khmer Serei. By January 1980, Khao I Dang had a population of 150,000, rivaling Phnom Penh as the largest Khmer city in the world.⁴⁸

⁴⁷ "The enthusiasm was tempered only by the shocking condition of the refugees. In the first two weeks about four hundred Khmer died. Every day more sick and starving refugees came to the camp..." *Ibid.*, 35.

⁴⁸ "The venue had several... important implications in the planning and implementation of relief activities. Almost everything needed to mount the complex assistance program was commercially available in Thailand. This is in marked contrast to relief efforts in Biafra, the Sahel, Somalia, and many other disaster situations... Within twenty-four hours after the identification of the holding

The Pledging Conferences

At a meeting in New York on March 26, 1980, attended by 43 donor countries, UNICEF and ICRC spokesmen announced that about \$262 million would be required to sustain relief operations for Khmer refugees until the end of the year. Pledges totalling over \$20 million were given by seven countries, including a grant of \$8 million by the United States (in addition to a U.S. pledge of \$10 million made the previous month); and, at a second meeting held in Geneva on May 26-27 and attended by representatives of 62 countries, an additional \$116 million in pledges were announced by twenty countries and the EEC, the largest contributions being \$28 million from Japan, \$28 million from the EEC, and \$21.2 million from the United States.⁴⁹

center site, streams of trucks brought water tanks and bamboo, dozens of bulldozers cleared land and graded a new work of laterite roads, and all the other logistical steps necessary for the overnight creation of a refugee city with hospitals, schools, and orphanages were in motion. Only the proximity of extreme need to a relatively affluent and mercantile economy made this sort of response possible." Forward by Rudy von Bernuth, Director, CARE/Bangladesh, *ibid.*, xiii.

For a description of conditions in the holding centers during 1980-81, see Greve, 215-290 *passim*.

⁴⁹ *Keesing's* (23 January 1981): 30676.

"In terms of dollars spent per head of victims, the international disaster relief program for Cambodia was (to become) one of the largest the world has ever mounted. In the Bangladesh crisis of 1971-73, about \$1,300 million was spent on behalf of a population of 75 million. for Cambodia, close to \$1,000 million was spent over three years on a population of between six and seven million. to be precise, by the end of 1981, the donors (mostly the Western countries) had spent \$633.9 million on Cambodian relief. about one third of this was contributed by the United States. At the same time, Western voluntary agencies had spent at least another \$100 million. In 1982 and 1983, the U.N. agencies and ICRC (which were now separated) spent another \$160 million. Shawcross, 390.

A leading U.N. official estimated that the Soviet Union provided Cambodia the equivalent of about \$250 million over the period, 1979-83, but some of this amount was given in return for Cambodian commitments to supply commodities to the USSR sometime in the future. *Ibid.*, fn., 391.

The Resignation of General Kriangsak

During this period, Thailand was experiencing an economic crisis caused by accelerating inflation and an increasingly adverse balance of payments. Prime Minister Kriangsak made several changes in his cabinet, but was unable to appease the opposition parties in the lower house. To protest the deteriorating economic situation, about 10,000 students engaged in demonstrations at Thammasat University in Bangkok, the first such demonstrations since the coup of October 1976. When the Assembly met in emergency session on February 29, 1980, General Kriangsak submitted his resignation in order to avoid a vote of no confidence; and this marked the first time that a Thai military politician had resigned as a result of parliamentary pressure.

At a closed meeting of both houses of the parliament on March 3, the Defense Minister, General Prem Tinsulanond, was elected by an overwhelming vote and was appointed Prime Minister by the King on the following day.⁵⁰ The new premier, who was guaranteed the support of both the military and a sizeable number of civilian delegates in the parliament, pledged to continue his predecessor's policies.

⁵⁰ The vote was 399 for Prem (200 from the Senate and 199 from the National Assembly); eighty votes for Kukrit Pramoj, leader of the Social Action Party and former Prime Minister (1975-76); four votes for General Kriangsak; and one or two votes each for five other nominees. *Keesing's* (6 June 1980): 30277.

The Kuantan Formula

Unlike the other members of ASEAN, Malaysia and Indonesia tended to regard China as posing a greater threat to regional security over the long term than did Vietnam. They maintained that the Vietnamese had been motivated to invade Cambodia as a result of their antipathy towards China and tended to believe that the best way to secure a Vietnamese withdrawal from Cambodia would be to promote a conciliatory approach which took into account Vietnam's legitimate security concerns.

In March 1980, Indonesian President Suharto and Malaysian Prime Minister Hussein Onn met in the Malaysian town of Kuantan in order to work out the design of a new approach to Vietnam. At the end of their discussions, they produced a statement proposing that a political solution to the Cambodian problem be based on the principle that Vietnam would become a full-fledged member of the regional community by cutting her ties with the Soviet Union and remaining independent of both the U.S.S.R. and China. Implicit in the statement was acceptance of Vietnamese hegemony throughout Indochina so long as Vietnam remained truly independent of ties with the major communist powers.

Thailand agreed with the purpose of weaning Vietnam away from the Soviets, but rejected the proposal on the grounds that it would permit the stationing of Vietnamese troops in Cambodia, contrary to the declared policy of ASEAN and the U.N. General Assembly resolution on Cambodia. The Vietnamese quickly rejected

the proposal as well, charging that it insulted them by implying that their country was not independent of the Soviets.⁵¹

Border Hostilities and Diplomacy

As the dry season, began during the spring of 1980, the Khmer Rouge escalated their raids on Vietnamese troops inside Cambodia; and the military character of their border settlements became impossible to ignore. In reprisal for the raids, the Vietnamese began shelling the settlements, making relief operations extremely dangerous.

Beginning in May, both the ICRC and UNICEF attempted to withdraw from feeding the Khmer Rouge settlements on the grounds that aiding combatants was a violation of their respective charters. They suggested to the Thais that the feeding program for the settlements be undertaken by the Thai military in conjunction with the U.N. World Food Program (WFP) which had been cooperating in food distribution.⁵² The WFP, however, declined to assume

⁵¹ Sheldon W. Simon, *The ASEAN States and Regional Security* (Stanford, CA: Hoover Institution Press, 1982), 61-2.

⁵² "WFP's role during the early stages of the Khmer Rouge feeding was ambiguous. When the Khmer Rouge refugees first came across the border into Thailand in the fall of 1979, the Thais asked WFP to divert food from its Thai programs... Once ICRC and UNICEF were given the official mandate to deliver to the Khmer Rouge camps, they thought WFP would cease distribution of aid at the border; however, deliveries continued..."

"... On January 24, 1980... the Thais clarified that ICRC and UNICEF had the sole responsibility for Nong Prue, Tap Prik, and Khao Din... WFP had the responsibility to distribute to all other Khmer Rouge camps along the border that were not under Joint Mission mandate. In addition to the above three camps, the Thais claimed there were several other lesser-known Khmer Rouge encampments much further south of Khao Din. Relief officials, however, were never allowed access to these camps, and there was no established distribution system as in the other camps..."

"... Because Thailand claimed that delivery was risky and security impossible to guarantee, the Thai military, instead of the WFP, distributed the food..."

responsibility for the program on the same grounds as the other two relief organizations.⁵³

In early June 1980, the Heng Samrin government called upon the Thais to enter into negotiations to resolve the refugee problem and other border issues. The Thais refused on the grounds that such talks would imply recognition of the Heng Samrin regime and acceptance of the Vietnamese occupation which enabled it to retain power. Despite persistent rumors of an imminent attack by the Vietnamese on Khmer Rouge settlements south of Aranyapra-thet, the Thais continued to encourage the voluntary repatriation of Khmer refugees in cooperation with the UNHCR and to permit international relief assistance to the Khmer communities on the border.

On June 10, 1980, the Thai Supreme Command announced that refugees who wished to return to their homeland would be assisted to do so; and, during June 17-26, 9,022 refugees, of whom 2,650 were men and the remainder women and children, were transported from the holding center of Sa Keo, which was controlled

These additional Khmer Rouge populations contained approximately thirty thousand people, raising the total rations distributed to the Khmer Rouge at the border to sixty thousand." Mason, 140-1.

⁵³ ... With the international organizations balking, the Thai military began exploring other sources for delivering aid to the camps.

"On June 6 (1980) the Thai Supreme Command, without informing ICRC or UNICEF, requested CRS (Catholic Relief Services, one of the major voluntary organizations participating in the feeding program in the holding centers and settlements) to distribute seed rice to Tap Prik. CRS complied and distributed 173 tonnes of seed rice in a twelve truck convoy led by a member of Task Force 80 (the branch of the Thai military responsible for monitoring the settlements). This was the first known delivery to the Khmer Rouge camps that was not authorized by the Joint Mission. However, as the Thais grew weary of the Joint Mission's unwillingness to feed the Khmer Rouge, unauthorized deliveries became routine." *Ibid.*, 147-8.

by the Khmer Rouge, to the Phnom Milai border area inside Cambodia where the Khmer Rouge maintained a stronghold.⁵⁴

A week after the repatriation from Sa Kaeo, the Vietnamese responded (June 23) by attacking the Khmer Rouge border settlement known as Camp 204 and the nearby Thai villages of Nong Mak Moon and Nong Samet. This marked the first significant violation of Thai territory by Vietnamese forces; and the outbreak of the first significant clashes between the two countries. The hostilities caused an estimated 100,000 Khmer civilians to flee from the border settlements into Thailand; but, following a Thai counter-attack, supported by planes and artillery, the Vietnamese withdrew from Thai territory the following day and the displaced persons were permitted to return to the border.⁵⁵

⁵⁴ "U.N. officials and foreign diplomats... expressed fears that their repatriation would strengthen the Khmer Rouge forces and would adversely affect both diplomatic attempts to improve relations between Vietnam and Thailand and the international aid programme. The PRK Foreign Ministry described the measure on June 13 as 'a new, extremely serious step in Thailand's hostile attitude toward the People's Republic of Kampuchea.'" *Keesing's* (23 January 1981): 30674. See also *Facts on File* (11 July 1980): 508 and (27 June 1980): 475. According to UNHCR representative in Thailand Rizvi, the Vietnamese attack was planned long before the repatriation and was not related to it. Shawcross, 318-9.

⁵⁵ An Associated Press report indicated that about 400 Khmer refugees had been killed, along with some 130 Thais and 72 Vietnamese. *New York Times*, 24 June 1980. *Time Magazine* of 7 July 1980 claimed that 22 Thai and 100 Vietnamese had been killed. A total of 458 refugees were seriously injured and evacuated to Khao I Dang. Hundreds more were treated in the medical facilities in the settlements. ICRC News, Geneva, 2 July 1980. All of these sources were cited in Mason, fn., 207.

"The feeding of the Khmer Rouge demonstrates the thresholds which a relief effort implicitly sets. In the early days of the effort no one questioned the need to feed the Khmer Rouge despite the fact that they had been responsible for the deaths of up to two million people and were acknowledged to be a military force. As starvation was averted, a threshold was crossed and relief organizations judged that continuing to feed the Khmer Rouge violated the principle of aiding military groups. At the same moment, the Khmer Serei military was continuing to benefit from aid, yet because of its more innocuous history and military incompetence, relief organizations willingly administered programs in the Khmer Serei camps." *Ibid.*, 181.

In light of the hostilities, the RTG appealed to the United States and ASEAN for immediate support. On July 1, the Americans announced an immediate emergency airlift to Thailand of small arm and artillery and an accelerated delivery by sea of thirty-five M-48 A5 tanks. In addition, the U.S. announced that credits for military sales to Thailand would be increased from \$36 million in 1980 to \$53.4 million in 1981 in order to promote the modernization of Thai forces.⁵⁶

The Vietnamese attack on Thailand caused Malaysia and Indonesia to abandon the Kuantan formula and join with their ASEAN partners in applying new pressures on the Vietnamese to end their occupation of Cambodia.⁵⁷ The attack was particularly ill-timed, coming as it did only three days before the opening in Kuala Lumpur of the Thirteenth ASEAN Foreign Ministers Conference, which was attended by the new U.S. Secretary of State, Edmund Muskie, and by the foreign ministers of Japan, Canada, Australia and New Zealand. At the conclusion of the conference, the ministers issued a Communique (June 30, 1979)⁵⁸ in which they noted that the situation had worsened worsened since their meeting in Bangkok in

⁵⁶ Randolph, 222, 224.

U.S. military credits and grants for Thailand were to increase substantially thereafter: \$78.2 million in 1982, \$90 million in 1983, and \$99 million in 1984. Total U.S. economic and military aid to Thailand rose from \$62.76 million in 1980 to \$69.39 million in 1981, \$107.3 million in 1982, \$117 million in 1983, and \$132.8 million in 1984. *Ibid.*, 225.

⁵⁷ "The Kuantan Declaration was allowed to lapse because of the political embarrassment it had generated and because of its evident impracticability. And even though the governments in Jakarta and Kuala Lumpur did not relinquish the strategic perspective which had spawned the Declaration, they never again adopted a concerted public stand which exposed such a breaking of ranks within ASEAN..." Leifer, 107.

⁵⁸ Text in Weatherbee, 103-4.

January: Vietnamese forces were now ranged along the Thai-Khmer border and the flow of refugees remained unrestricted.

The ministers expressly supported "the right of the people of Kampuchea to lead their national existence free from interference by Vietnam and other foreign forces in their internal affairs;" and warned that "any further escalation of the fighting in Kampuchea or any incursion of foreign forces into Thailand would directly affect the security of the ASEAN member states and would endanger (the) peace and security of the whole region." They pledged their support for Thailand and called on Vietnam "to demonstrate its positive attitude towards Thailand and other ASEAN member states by withdrawing its forces from the Thai-Kampuchean border."

The ministers also addressed the refugee problem, noting that it had reached "crisis proportions" and deploring the fact that "Vietnam had not taken any effective measures to stop the exodus." They "appealed to the international community to prevail upon Vietnam to stop the exodus" and insisted that "Any illegal immigrants/displaced persons (refugees) (sic) leaving Vietnam or any other Indochinese state continue to be the responsibility of their respective countries of origin which must accept them back under existing international law and practice." The ministers concluded by noting that they "retained the right of ASEAN countries to return such persons to Vietnam and to their respective countries of origin."

The combination of the threat of a regional enemy and the growing Soviet naval presence in Asia, greatly alarmed the members of ASEAN and caused them to reexamine not only their political relations with Vietnam, but their respective defense capabilities as

well. During the 1980s the members were to seek additional military assistance from their main supplier, the United States, as well as from other friendly Western powers.⁵⁹

Feeding the Khmer Rouge

The incursion caused an abrupt halt to relief operations in both the Khmer Serei and Khmer Rouge camps. Two days after the attack, however, the Joint Mission delivered emergency rations and medical services to the Khmer Serei camps of Nong Chan and Nong Samet. The Joint Mission refused, however, to provide further relief aid to the Khmer Rouge camps of Nong Prue, Tap Prik and Khao Din

⁵⁹ "... Since 1979, military planning in Indonesia, Malaysia, Thailand, and Singapore has shifted from internal counter-insurgency warfare to preparation for conventional warfare... this has deepened the military assistance and supply connection between ASEAN states and Western security partners... One of the unintended consequences, therefore, of Vietnam's invasion of Kampuchea has been to move ASEAN in the direction of an informal security grouping - for Vietnam, thus, a kind of self-fulfilling prophecy. while ASEAN security measures do not make it an alliance in fact, the process of heightened defense cooperation in ASEAN has to be understood in some kind of collective sense." Weatherbee, 10-11.

"... In 1982, Indonesia sent a large military delegation to Washington to discuss purchases. It was followed by delegations from the Philippines, Singapore, and... in 1984, by a Thai air force group seeking to purchase top-of-the-line F-16 fighter-bombers. From the beginning of the decade, the United States has also engaged in joint naval maneuvers combining elements of the Seventh Fleet separately with naval units from Singapore, Indonesia, Thailand, and the Philippines. These maneuvers center on sea lane security in the South China Sea. Using bilateral defense agreements with Thailand and the Philippines, the United States forms the core of a loose multilateral grouping of friendly states linking Australia-New Zealand (through ANZUS), the Five Power Defense Agreement which provides the legal framework for Australian and New Zealand forces in Singapore and Malaysia, and the Manila Pact which links Thailand and the Philippines to the United States. Only Indonesia lacks a formal security arrangement with a Western power - a fact which is particularly useful for ASEAN in that it protects the group's nonaligned legitimacy." Juwono Sudarsono, "Political Aspects of Regionalism: ASEAN," *Indonesia Quarterly*, 9, no. 3 (July 1983): 12-13; cited in *ibid.*, 76.

on the grounds that it was impossible to distinguish between combatants and civilians in those camps.⁶⁰

To protest the incursion, the Thais stopped all airlifts and shipments of relief supplies from Bangkok to Phnom Penh, thereby cutting off the major source of such supplies. The RTG warned that it would continue the ban until the Joint Mission agreed to resume relief shipments to the Khmer Rouge settlements.⁶¹

Ambassador Abramowitz and other U.S. officials brought pressure to bear on the international organizations to resume the food and rice seed distribution programs on the border by noting that the relief programs based in Phnom Penh could not be maintained without the cooperation of the RTG. They also tried to persuade the Thais to accept a compromise with respect to the border feeding programs; and finally, after a flurry of exchanges between the Embassy, the Thai government, the ICRC, UNICEF, , and other interested parties, it was decided that 1) the ICRC would turn over all responsibility for relief aid to UNICEF and would restrict its participation to providing medical services in the settlements; 2) that UNICEF would provide food and other relief supplies in areas under

⁶⁰ Randolph, 152, 154.

⁶¹ "... Many Thai believed that the Vietnamese incursion was a test of Thai strength in preparation for a major push. The Thais backed the Khmer Rouge forces as the only effective buffer between Thailand and the Vietnamese.

"Although the incursion might have been a convenient time to cease the Khmer Rouge distributions, it was an inopportune moment for the Joint Mission to seek a compromise with Thailand. The Thai government was busy assessing the impact of the incursion, bolstering its defenses, rebuking its army officers, communicating with its allies, and trying to reassure its people that Thailand was secure. On the most basic level, the Thai government simply did not have time to deal with the Joint Mission. In addition, an integral part of its military strategy for opposing Vietnamese expansion relied on a strong Khmer resistance. The Joint Mission wanted to upset that plan at the moment when Thailand felt most vulnerable." *Ibid.*, 152-3.

Khmer Rouge control to women and children only so as to exclude aid to combatants;⁶² and 3) that, in order to ensure greater control over distributions, all food aid would be distributed directly to refugee recipients rather than through settlement administrators, as had generally been the case in the past.⁶² The Thais accepted this compromise and ended the ban on shipments to Phnom Penh.⁶³

Eventually, UNICEF found that it simply was unable to control the distribution of food in the Khmer Rouge settlements and

⁶² UNICEF had earlier instituted a direct distribution pilot program at the Khmer Serei camp of Nong Chan, which featured distributions only to adult women so that soldiers would be excluded from the benefits of relief aid. In practice, the regulation proved to be impossible: "Most soldiers had sisters, mothers or daughters, and a few women were soldiers. Those soldiers who did not get rice through a family member could simply steal it for civilians. Though limiting the distribution to women in no way excluded soldiers, it did facilitate direct distribution by limiting the entire population to less than hold the total, cutting the time it took to finish a distribution. (It also inspired some of the men to experiment with women's clothing)." *Ibid.*, p. 87.

It should also be noted that the population in the Khmer Rouge settlements were under a very strict military discipline which made the success of the UNICEF restrictions even less promising than in the Khmer Serei settlements.

⁶² "For months, lack of security, torrential rains, and contentious (settlement) leadership thwarted UNICEF's efforts. Over the months, it became simpler for UNICEF to leave the food in the hands of the (settlement) leaders instead of attempting a direct distribution. UNICEF workers felt that the direct distribution system was a farce. Women came back for food again and again. Male soldiers openly received aid from the women and many women were soldiers. The weekly nocturnal deliveries of WFP goods (by the Thai military) put food in the hands of the soldiers directly, depleting even the symbolic value of direct distribution. By late fall 1980 UNICEF had abandoned the attempt at tightly controlled distributions and reverted to the former system of delivering aid directly to the camp leaders." *Ibid.*, 168-9.

It should also be noted that UNICEF came to rely heavily on the staffs of the various private voluntary organizations in administering the distributions.

⁶³ "... The Khmer Rouge had no choice but to agree to the limited program. The Thais also agreed to the proposal. They were not satisfied with it since the food distributed would not be sufficient for the Khmer Rouge populations in the three camps. They realized, however, that UNICEF had made an important compromise with this proposal, and they accepted it. They were not interested in the quantity of food distributed. They could make up the short-fall by using other relief organizations or by having the army deliver additional quantities to the camps. *The Thais primarily wanted UNICEF's name associated with the program to legitimize it as an official part of the relief effort.*" *Ibid.*, 163. Italics are my own.

therefore abandoned its attempt to restrict the distribution of food to only women and children. In 1982, UNICEF entered into an agreement with the WFP to form the U.N. Border Relief Organization (UNBRO) which replaced the Joint Mission.⁶⁴

One of the most persistent complaints of the relief organizations concerned the sporadic outbreak of fighting between various factions in the Khmer Serei border camps over political influence and control of black market operations. In a series of such incidents which occurred during July 9-12, 1980, at least 30 civilians were killed and 100 seriously wounded.⁶⁵

In order to promote greater order in the settlements, the Thais attempted to tighten restrictions on cross-border operations and quietly encouraged the efforts of the "Khmer Peoples National Liberation Front" (KPNLF) to consolidate all of the Khmer Serei factions under its leadership. The KPNLF had been formed earlier in

⁶⁴ Shawcross, 353.

"... At (UNBRO's) heart was the World Food Program, which was still providing the Thai army with thousands of rations a day for use in the northern and southern sectors, and which had rarely displayed those qualms about either the legalities or the moralities of the process that had so troubled many officials of first ICRC and then UNICEF. To be fair, though, by 1983 UNBRO was monitoring the food it distributed to all areas of the border considerably more effectively than ICRC or UNICEF had ever managed to do. On the other hand, the border became an ever more dangerous place to be in.

"In feeding the Khmer Rouge troops, UNICEF was compelled to flout its own mandate and to ignore the opinion of the United Nations Legal Bureau. For many international officials the program was undoubtedly the most painful and the least acceptable aspect of the whole relief effort. Their principal justification was that they simply could not abandon the innocent women and children who were inextricably mingled with the Khmer rouge troops. *Ibid.*, 353-4.

⁶⁵ *New York Times*, 13 July 1980.

The RTG was able to reduce but not entirely stop the fighting over black market operations in the settlements: Pitched battles were reported to have occurred the following year on July 10 and October 16; and some factions engaged in illegal trading often fought with Thai border patrols. *Keesing's* (9 April 1982): 31417.

the year by Son Sann, a former prime minister during the Sihanouk regime; and soon became the most powerful group of the Khmer Serei.

Border Demilitarization Proposals

On July 17-18, 1980, the foreign ministers of Vietnam, Laos and Cambodia met in Vientiane for a joint policy review. At the conclusion of the meeting, they issued a statement⁶⁶ which reaffirmed an offer made in January of their willingness to sign a non-aggression pact with Thailand and its ASEAN allies. They also proposed that a "demilitarized zone" be established on both sides of the Thai-Khmer border, and that a joint commission be established "to implement agreements guaranteeing peace and stability in the border areas" and to agree upon a form of "international control" over these areas. They indicated that the government in Phnom Penh was prepared to negotiate a settlement of the matter of repatriation of Khmer refugees; and suggested that the Khmer refugee camps be established "far from the border to avoid border clashes." In addition, they pointed out that the "international law of neutrality" required that the "Pol Pot clique and the other reactionary forces who have taken refuge in Thailand be disarmed and regrouped into separate camps far from combat areas," and that all humanitarian aid to the border settlements be kept from the guerrillas."

⁶⁶ Text in Weatherbee, 105-7.

The Thai Prime Minister, General Prem Tinsulanonda, immediately rejected the Indochinese plan on the grounds that it would prevent the refugees from returning home and would "leave all the burden on Thailand and third countries."⁶⁷ His government then formulated a counter-proposal which gained the support of all of the other members of ASEAN: At a meeting in Manila on July 30, senior officials of ASEAN proposed that demilitarized zones be established on the Khmer side of the border, under U.N. supervision, with the understanding that "all parties to the conflict (would) refrain from all acts of hostility against these zones to ensure the safety of refugees and the uninterrupted flow of relief aid." The Vietnamese government rejected this proposal on the grounds that it merely covered the "intention" to continue the infiltration of guerrillas into Cambodia.⁶⁸

The Repatriation Campaign

On September 1, the UNHCR announced that it had managed to persuade the PRK to accept a \$14 million program to assist in the

⁶⁷ *FEER*, 8 August 1980, 8.

⁶⁸ *Keesing's* (9 April 1982): 31417.

In a detailed memorandum issued on July 31, 1982, the Vietnamese charged that Thailand was allowing China to ship about 500 tons of supplies each month to "a Thai commercial port." The supplies were then allegedly taken by the Thai army to "a string of storage depots from Ubon Rathathani in the northeast to Trat province in the south."

In April, Thai Premier Prem reportedly advised the Chinese Foreign Minister, Huang Hua, during his visit to Bangkok, that "it was in the interests of both ASEAN unity and Thai neutrality that the Chinese stop the supply of arms to the Khmer Rouge - at least for several months to appraise the chances of talks with Hanoi and moves towards a possible compromise over Kampuchea." *FEER*, 8 August 1980, 10.

There was no subsequent indication that the Chinese shipments were ever stopped.

repatriation of 310,000 refugees, about 175,000 of whom had come from the Thai-Khmer border settlements, 115,000 from Vietnam and 22,000 from Laos. A majority of these refugees had been encouraged to return partly because of reports of the improved food situation in the country and partly because of the "desire to escape from the control of the rival Khmer Rouge and Khmer Serei factions."⁶⁹

According to a survey taken by the UNHCR, as many as 30,000 of the 127,000 Khmer refugees in the six holding centers on Thai territory were willing to return to Cambodia if they could be provided safe conduct. The Thai government, however, refused to accept a proposal that the refugees be transported by air directly to Phnom Penh on the grounds that this would imply recognition of the Heng Samrin regime. The Thais proposed instead that the refugees be sent back via a third country, such as Burma, but this was rejected by the UNHCR. In any case, the Thais continued to encourage refugees in their holding centers to be repatriated to the border settlements.⁷⁰

⁶⁹ *Ibid.*, 23 January 1981, 30677.

"... Of the 100,000 refugees who resettled in Cambodia's northern Battambang province, at least 80% were said to be women and children, indicating that many of the men were either afraid to return or supported the anti-government rebels." *Facts on File* (19 December 1980): 952. See also *FEER*, 2 September 1980, 16, 19.

The Thai Supreme Command stated on November 6 that there were 4,985 Khmer refugees in holding centers in Thailand and over 150,000 "illegal immigrants" who had entered the country since January 1979. Some 35,000 other Khmer civilians were reported to be in Vietnam and 10,000 in Laos. *Keesing's* (23 January 1981): 30677.

⁷⁰ "Over the crises of protection and repatriation - voluntary and forced - always hung that of resettlement. The Khmers were never given the same resettlement opportunities as Vietnamese or Lao refugees. There were many reasons for this - they reflected different policies of the Thais, of UNHCR and of the principal resettlement countries, particularly the United States.

Acting on humanitarian grounds, Ambassador Abramowitz and his principal refugee aide, Lionel Rosenblatt, the director of the U.S. Embassy's Kampuchea Emergency Group (KEG), opposed the move by the UNHCR and the RTG to deny the Khmer refugees the same opportunities for resettlement accorded other refugees from Indochina. They lobbied heavily in Washington and finally managed to secure a quota of 31,000 exclusively for Cambodians.⁷¹

"The Thais had varying views - that no Khmers should be resettled; that some resettlement would be allowed but only over and above the existing quotas for Lao and Vietnamese; that those with close family ties abroad should be permitted to go; and that all those in the holding centers should be eligible to go, because otherwise a lot of them were likely to remain in Thailand indefinitely. Thai officials often repeated that, quite apart from common humanitarianism, they wanted the Cambodian people to survive to be, as before, a buffer against the Vietnamese. And of course, they also specifically keen on building up the more limited and immediate buffer of the border population." Shawcross, 324

In mid-September 1980, the RTG began to "relocate" Khmer from the UNHCR camps to the border settlements. By moving to what what technically Khmer territory, those relocated gave up their refugee status and the protection of the UNHCR

Between October 1980 and May 1981, 9,022 refugees were reported to have left the Thai camps for the border settlements. *FEER*, 1 May 1981, 22. "The 'relocation' rate fell sharply in 1982 and came to a temporary halt after the Vietnamese dry season offensive in 1983 when many border settlements were annihilated and numerous Kampuchean civilians killed or wounded." Greve, 364.

⁷¹ "As the passions wrought by the spectacle of Vietnamese and Cambodian misery in 1979 subsided, so the entire Indochinese resettlement program had run into increasing criticism within the United States. The numbers and cost were unprecedented. In fiscal 1980, some 230,000 Indochinese were admitted to the United States, and in fiscal 1981, some 217,000. The costs were estimated at \$1.7 billion and \$2 billion respectively. (In the two previous decades the United States had accepted only about 60,000 refugees from all over the world every year). Initially these Indochinese refugees had been accepted without rigorous case-by-case screening, on the basis that anyone leaving Communist Indochina ipso facto met the definition of 'refugee' under the U.N. Convention and Protocol. By contrast, asylum seekers from Central America were automatically classed as 'economic migrants.' Indeed, in 1981 the U.S. Coast Guard actually began to carry Haitian officials aboard its ships. It then intercepted Haitian boats and returned the would-be refugees at once to Port-au-Prince. One only has to imagine the American uproar if the Thais had cooperated similarly with Hanoi against Vietnamese boat people to realize the different standards that were being applied..." Shawcross, 325-6.

At the end of the rainy season in October 1981, PRK and Vietnamese troops launched their biggest offensive since 1979; and there were frequent incidents which took a toll among both combatants and civilians on both sides of the Thai frontier. When under attack, the guerrillas would often retreat across the border, "apparently on occasion with the Thai army's collusion," and the Vietnamese and PRK troops would cross the border in hot pursuit.⁷²

The Vietnamese accused the Thais of firing on Cambodian territory to provide cover for Khmer Rouge infiltrators and sending commandos and aircraft over the border in order to conduct reconnaissance or direct artillery fire. The Thais, in return, accused the Vietnamese of making indiscriminate attacks on civilians in the

⁷² *Keesing's* (16 April 1982): 31416-7.

"The Khmer Rouge troops were generally believed to number between 20,000 and 30,000 men, about 15,000 of whom were operating in the western provinces of Battambang, Pursat and Koh Kong, in the area between Highway 5 and the Cardamoun Mountains, the remainder being scattered over the rest of the country in small guerrilla bands. According to some eyewitness reports by Western journalists, the Thai Army allowed the Khmers Rouges to cross the frontier when pursued, to operate from bases inside Thailand and to use refugee camps in Thailand as recruiting grounds, and diverted food and medicine supplied by international relief organizations to the Khmer Rouge forces inside Kampuchea.

....

"Although all the Khmer Serei groups claimed strong support, Western correspondents estimated their total following at not more than 6,000 men. The Khmers Rouges and the Khmers Serei generally observed an informal truce, the former being concentrated south and the latter north of Highway 5, but fighting between them sometimes occurred as a result of disagreements over international relief supplies and recruiting in refugee camps." *Ibid.*, (23 January 1981): 30669.

From December 1979 to July 1980, there were repeated outbreaks of fighting between rival Khmer Serei groups; and a survey by UNICEF in one border settlement revealed that only 13 percent of the food supplied by the international relief agencies was actually getting to the refugees, the remainder being sold in Thailand and Cambodia. *Ibid.*, 30673.

border areas and of using "sprays containing cyanide" and other poisonous chemicals against the guerrillas.⁷³

Despite repeated protests and demands by the UNHCR and other relief organizations that Khmer civilians be allowed to enter camps inside Thailand where they would be safe from the border hostilities, the RTG persisted in its keeping the Khmer refugees at the border so that the settlements would continue to serve Thailand as a security buffer and a source of personnel and material support for guerrilla operations inside Cambodia. The RTG also was able to get its ASEAN allies and other friendly nations to continue to recognize the deposed Khmer Rouge regime as the legitimate government of Cambodia and support its continued representation in the United Nations.

The International Conference on Kampuchea

Adopting a new approach to the Cambodian dispute, ASEAN began to lobby for the holding of an international conference, under the auspices of the United Nations, which would work out a comprehensive settlement with the participation of as many nations as possible, including Vietnam and the three contending Khmer factions. The Indochinese regimes, the Soviet Union, her Eastern allies, and several nonaligned states refused to participate in such a conference because the United Nations continued to recognize the Pol Pot regime as the legitimate government of Cambodia.

⁷³ The ICRC confirmed on 23 March 1981 that 65 Cambodians had been treated for poisoning at its hospital at Aranyaprathet. *Ibid.*, 9 April 1982, 31417.

With the support of the United States and the Western allies, the International Conference on Kampuchea (ICK) was duly convened in New York on July 13, 1981, with representatives from seventy-nine countries and observers from fifteen others.⁷⁴ During the debate, ASEAN introduced a proposal which addressed itself in part to Vietnam's main concern - the Khmer Rouge by calling for the disarming of all factions in Cambodia prior to the holding of internationally supervised elections.⁷⁵ This was not accepted owing to opposition from both China and the United States.

The final resolution, adopted unanimously by the ICK on July 17, called for the withdrawal of all foreign forces, the establishment of a ceasefire under U.N supervision, free elections under U.N. auspices to form a new government which would pledge that Cambodia would remain "nonaligned and neutral," a declaration by all states concerned that the country's sovereignty and neutrality would be respected, and the establishment of an intergovernmental committee to design a comprehensive program of economic assistance.

While both the PRK and Vietnam rejected the conference resolution, with solid backing from ASEAN, the United States, and the

⁷⁴ The convening of the Conference "represented a remarkable triumph for ASEAN diplomacy and its stocks in the world community rose to an all-time high." Carlyle A. Thayer, "ASEAN and Indochina: The Dialogue," in Alison Broinowski, ed., *ASEAN Into the 1990s* (New York: St. Martin's Press, 1990), 149.

⁷⁵ "... Even the break by ASEAN members with China during the session (they wanted to open participation to other Cambodian groups as well as the Khmer Rouge) did not produce a gesture from Vietnam. Rather, Hanoi stayed with its hard line, reminding Thailand that the June 1980 incursion was a consequence of its earlier repatriation policies and making reference to northeastern Thailand as the 'provinces of Laos, currently under Thai administration,' thus strengthening the suspicion of some Thais who feel this territory is coveted by Vietnam as part of a greater Laos." Antolik, 132.

Western allies, it was approved by the U.N. General Assembly on October 21. The Assembly also approved the continued recognition of the Khmer Rouge government, rather than the PRK, and called for the reconvening of the conference at an appropriate time.⁷⁶

The "Coalition Government of Democratic Kampuchea"

As the gruesome evidence of the barbarous rule of the Khmer Rouge came to light during the Vietnamese occupation, the Pol Pot regime became thoroughly discredited throughout the world. In order to establish a more reputable government-in-exile, Thailand and her ASEAN allies undertook a campaign to encourage Prince Norodom Sihanouk, one of the very few Khmer leaders with world-wide prestige, and Son Sann, leader of the KPNLF, the largest non-communist guerrilla faction, to come to terms with the Khmer Rouge and form a coalition to oppose the Vietnamese occupation.⁷⁷

After many months of complex negotiations, with mediation by representatives of Thailand, the United States and other free

⁷⁶ *Keesing's* (16 April 1982): 31434.

⁷⁷ During this period, it was reported that the number of Khmer Rouge forces had fallen to about 25,000 and that their morale was low. *Ibid.* (9 April 1982): 31417.

The forces of the KPNLF, on the other hand, had grown rapidly in strength. It claimed to have 9,000 soldiers and since April 1981 had been receiving arms from the Chinese as well as the Thais. *Facts on File* (8 May 1981): 304; and *Keesing's* (16 April 1982): 31434.

According to Agence France-Presse, the first major shipments of Chinese arms to the KPNLF across Thailand occurred on 23 April 1981. *Ibid.* As for the other Khmer Serei factions, they were reported to have been "mainly occupied in black marketing and smuggling, and frequently changed their political allegiance." One such group of 400 was reported to have defected to the PRK in December 1980. *Ibid.* (9 April 1982): 31417.

On 28 June 1982, the PRK announced that a total of 1,545 guerrillas had surrendered during the dry season between November 1981 and April 1982. *Ibid.* (January 1983): 31885.

world nations, it was announced on June 22, 1982 that Prince Sihanouk, Son Sann, and Khieu Samphan, the Prime Minister of the Khmer Rouge government-in-exile, had finally agreed to the formation of an anti-Vietnamese coalition government, the "Coalition Government of Democratic Kampuchea" (CGDK). The agreement provided for the Prince to be president, Khieu Samphan to be Vice President and Minister of Foreign Affairs, and Son Sann to be Prime Minister. Four tripartite committees were established to deal with finance and economy, national defense, culture and education, and public health and social affairs. There would be a representative from each faction on each committee and consensus would be required for all major decisions.

Within the coalition, each of the three factions would retain its own "organization, political identity and freedom of action, including the right to receive and dispose of international aids specifically granted it." Prince Sihanouk remarked at the conclusion of the agreement that unity of all Khmer resistance factions was necessary to "de-Vietnamize" Cambodia; and Khieu Samphan indicated that the Khmer Rouge was now committed "to support and abide by the results of free elections... under U.N. auspices."

On July 9, the three leaders of the coalition met in "neutral, liberated territory" near the Thai-Khmer border and officially proclaimed the formation of the CGDK. Soon afterward all three leaders travelled widely throughout Europe and Asia in order to encourage international support for the coalition, "both with regard

to U.N. representation and with regard to humanitarian, financial and military aid for the resistance struggle."⁷⁸

In response to the formation of the CGDK, Vietnamese Foreign Minister Nguyen Co Thach warned that "support for the (Khmer) resistance was a very bad precedent which could not go forever unanswered." He denied that this should be interpreted as a threat that Vietnam would support insurgents in ASEAN countries, but noted that Vietnam might consider engaging in hot pursuit across the Thai border in order to deal with Khmer guerrillas.⁷⁹

⁷⁸ Soon after the coalition had been established, the U.S. provided over \$4 million to the two non-communist factions to pay for food, medicine and the cost of diplomatic representation and propaganda. This level of support was in sharp contrast to the relatively massive economic and military support given the Khmer Rouge by China; and there was increasing concern among the ASEAN countries that the aid imbalance would defeat their primary objective - to build the non-communist resistance effort into a credible force so that Vietnam would be obliged to negotiate a settlement with it.

Under pressure from ASEAN, the U.S. agreed in July 1984 to increase its annual contribution to the KPNLF and the ANS to about \$15 million, but these funds were restricted to the procurement of "non-lethal" purchases. In effect, however, the funds freed ASEAN assets for the purchase of military supplies for the non-communist guerrillas. *Ibid.* (October 1984): 33158.

The U.S. Central Intelligence Agency was reported to have provided \$5 million for "nonmilitary purposes" in 1985. It also provided some \$16 million annually in humanitarian aid to the Khmer refugees.

Since the families of many guerrillas, including the Khmer Rouge, lived in the border settlements or "evacuation sites" which were both provided food, water, shelter, and clothing by UNBRO and medical care by the ICRC, U.S. aid to these organizations could also be regarded as a form of support for the anti-Vietnamese resistance. U.S. funding of the two agencies increased from \$11.3 million to more than \$14 million in 1984. *Ibid.* and *Washington Post*, 17 September 1984.

In mid-May 1985, the U.S. Congress authorized \$5 million in aid for the KPNLF and the ANS and, for the first time, accorded the Administration discretion as to whether or not the funds could be spent for military supplies. For its part, the Administration has demonstrated its interest in the Cambodian problem, particularly as it affected the security of Thailand, by sending a sizeable military force to engage in joint military exercises with Thai troops in Thailand during July. *FEER*, 1 August 1985, 16; *Keesing's* (January 1983): 31886; and *Facts on File* (23 July 1982): 528.

⁷⁹ *Keesing's* (January 1983): 31888.

The Vietnamese and their allies tried to prevent the consolidation of the newly formed coalition government by offering to discuss with Thailand the creation of a "safety zone" along the border, in place of the "demilitarized zone" they had proposed earlier. Inside the proposed zone, there would be no Vietnamese troops, but only PRK soldiers on the Khmer side and Thai troops on the Thai side. All guerrilla forces and refugees would be expelled from the zone. It was also announced that the PRK had agreed with Vietnam on the first partial withdrawal of Vietnamese troops from Cambodia.

The RTG continued to frame its policy resources within the institutional framework of ASEAN: At a special meeting in Bangkok on August 7, the ASEAN foreign ministers rejected the new proposals and noted that they did not indicate any real change in the Vietnamese policy of support for the Heng Samrin government. The ministers reaffirmed their support for the U.N. conference resolution. They also indicated that the formation of the coalition government was "a positive step towards a comprehensive political solution" which should be supported as such by the international community.⁸⁰

During late July, reports from Hanoi and Phnom Penh indicated that about 20,000 Vietnamese troops had been withdrawn from Cambodia, but Thai military spokesmen insisted that the withdrawal was only part of a routine rotation of troops. On August 16, a Thai official indicated that the Vietnamese had actually

⁸⁰ *Ibid.*, 31888-9.

increased their military presence by bringing in tanks, personnel carriers, and other "heavy equipment," along with large amounts of weapons.⁸¹

On October 25, 1982, the U.N. General Assembly accepted the credentials of the CGDK, after rejecting (by a vote of ninety to twenty-nine, with 26 abstentions) a move by Laos to have the Khmer seat in the Assembly remain vacant. It was indicative of the growing diplomatic support for the CGDK that, of eight countries which had voted in 1981 against seating the Khmer Rouge delegates, five now abstained; and that, of the nations which had previously abstained, ten now voted for seating the delegates of the coalition.⁸²

The "Affected Thai Village" Program

Recurrent raids by Khmer Rouge and Khmer Serei guerrillas on PRK-Vietnamese positions inside Cambodia led to periodic counterattacks in which Vietnamese and PRK troops occasionally crossed the Thai-Khmer border in hot pursuit of the guerrillas and sometimes engaged in skirmishes with Thai security forces.⁸³ These hostilities eventually resulted in the uprooting of an estimated

⁸¹ *Facts on File* (23 July 1982): 528; and (8 October 1982): 741. See also *Keesing's* (January 1983): 31889.

⁸² *Ibid.*

⁸³ According to Royal Thai Army sources, the number of cross border incursions by Vietnamese troops increased to a high of 81 during the period, November 1984 to March 1985. *FEER*, 4 July 1985, 36.

80,000 Thais from villages in border areas; and their plight posed a very serious political issue for the Thai government.⁸⁴

In August 1980, with the financial backing of the United States, Japan, Canada, West Germany, Sweden, Norway, Belgium, and several private voluntary organizations, the Thai government launched an extensive program to promote developmental activities in all border areas affected by hostilities, including those adjacent to Laos and Burma.⁸⁵ By the time the first phase of the so-called "Affected Thai Village" Program had ended in September 1984, a total of \$70 million, including \$2.8 million from the United States alone, had been allocated for projects in 162 villages on the Thai-Khmer border and 241 villages on the Thai-Laotian border; and plans were underway to fund projects in ninety-four villages on the Thai-Burmese border and seventy-two villages on the Thai-Malaysian border.⁸⁶

⁸⁴ "Questions and Answers Concerning the Problem of Displaced Persons from Indochina," produced by the Thai Sub-Committee on Public Relations and Coordination Concerning Relief Assistance to Kampuchean Illegal Immigrants, Bangkok, June 1981, pp. 18-19.

⁸⁵ "Briefing Paper: Affected Thai Program-493-0327," (undated), obtained from USAID/Bangkok, May 1985; and "Affected Thai Program: Donor's Contributions, As of March 1985," also obtained from USAID/Bangkok, May 1985.

Since the U.S. funds were provided directed to the RTG as budgetary support, no accounting for their use was required by U.S. law. Consequently, the Thais may have used some of the funds for projects which assisted the Khmer guerrillas. For a discussion of this allegation, see *Washington Post*, 17 September 1984.

⁸⁶ "The Affected Thai Villages along the Thai-Laos (sic) and Thai-Kampuchean Border: Programmes to be requested from the Japanese Government, 1985-1986," (undated), draft proposal obtained from the Royal Thai Supreme Command Headquarters, May 1985.

A Domestic Challenge to the Prem Government

Soon after achieving its diplomatic successes, the RTG was faced with a serious political crisis at home: The Constitution of December 1978 provided that, following a transitional period which was to end on April 21, 1983, several provisions were to go into effect which would markedly reduce the influence of the military in political affairs. The lower house of parliament was to be elected on the basis of party lists in each province, rather than on the basis of individual constituencies and was to have increased power over the upper house (the Senate, in which the military held 193 of 225 seats). The Senate was no longer to participate in the appointing of the Prime Minister, debating motions of no confidence, or adopting the budget; and active duty military officers and civil servants were to be barred from holding government office.

A joint parliamentary session was summoned by the King in January 1983 in response to a petition by members of both houses and influential military officers to discuss proposed amendments which would defer implementation of these provision. A bill to retain the powers of the Senate for another four years and to remove the ban on active military officers and civil servants holding political office passed two readings, but failed to get the absolute majority required for its passage in a third reading on March 16.⁸⁷

Amid speculation of an impending military coup, Prime Minister Prem called for elections for the National Assembly to be held nearly two months before they were scheduled. The elections

⁸⁷ *Keesing's* (March 1984): 32743.

resulted in an increase in the civilian-based parties and a sharp decrease in the number of independents (from sixty-three to twenty-four), many of whom were linked with the military. The King appointed 109 new members to the Senate which then had a total of 244 members; and half of the appointees were military or police officers. On May 7, General Prem succeeded in forming a new government and the challenge to civilian rule subsided.⁸⁸

The Vietnamese-PRK Border Offensive (1982-83)

In late December 1982, the Vietnamese and the PRK underscored their objections to the establishment of the CGDK by launching the heaviest attacks in the Thai-Khmer border regions since their occupation of Cambodia in 1979. The attacks were clearly designed to blunt the growing political and military strength of the coalition forces since they centered on the Khmer Rouge divisional headquarters at Phnom Chat, northeast of Aranyaprathet, and the KPNLF base camps near the border settlements of Nong Chan and Nong Samet. Following the capture of Nong Chan by the Vietnamese on January 31, 1983, about 30,000 Khmer civilians fled from the

⁸⁸ "A campaign slogan of 'dictatorship versus democracy' was widely used by the Social Action Party and the Democratic Party in response to the controversial events of the previous month. A total of 1,862 candidates contested the 324 seats, with two other candidates (one each from the SAP and the DP) being killed in incidents of election violence which also resulted in 11 other deaths..." *Ibid.*, 32744.

The next attempt by the military was to occur in an abortive coup on September 9, 1985, which resulted in the temporary arrest of General Kriangsak and 39 other officers. *Facts on File* (6 December 1985): 903; and *Keesing's* (October 1985): 33920.

settlements into Thailand.⁸⁹ Thai officials indicated that the incoming refugees would be permitted to live "on the east side of a strategic irrigation canal inside Thailand and a few kilometers from the Kampuchean border."⁹⁰

After a lull in the fighting in early March, Vietnamese and PRK forces renewed their offensive and overran Phnom Chat (March 31). On April 4, the Vietnamese and PRK captured the headquarters of Sihanouk's Khmer Serei faction, the *Moulinaka*, at O Smach, located about sixty miles northeast of Phnom Chat. Following these actions, about 50,000 more Khmer refugees were reported to have crossed into Thailand.⁹¹

Skirmishes were reported in early April between Vietnamese troops and Thai border forces, with several casualties on both sides. The fighting they declined in intensity and, on April 24, it was reported that the Vietnamese and PRK troops had withdrawn from the border areas. The withdrawal permitted Khmer civilians who had fled into Thailand to return to the border settlements. With the beginning of the rainy season in May, fighting ended in the border areas, but the various guerrilla factions continued operations in the interior of Cambodia.⁹²

Attempts by the Vietnamese to stifle opposition against their growing influence and to end collaboration with the guerrillas reportedly resulted in an exodus of over 15,000 Khmer villagers

⁸⁹ *Keesing's* (February 1984): 32668-9; *Facts on File* (11 February 1983): 9 and (8 April 1983): 240; and *Bangkok Post*, 9 February 1983 and *Washington Post*, 24 April 1983.

⁹⁰ *Bangkok Post*, 1 February 1983.

⁹¹ *Facts on File* (29 April 1983): 306 and *Washington Post*, 9 April 1983.

⁹² *Keesing's* (February 1984): 32669; and *Washington Post*, 24 April 1983.

from deep inside the country. Over 8,000 Khmer were reported to have found refuge in the KPNLF settlements near Ban Sangae and Nong Samet. Another group of over 4,000 were reported to have come to areas in the Phnom Milai mountains still controlled by the Khmer Rouge.⁹³

On May 2, the Vietnamese announced that they were initiating a phased withdrawal of over 10,000 troops as "a gesture of goodwill to facilitate negotiations with the ASEAN countries." While a Thai military spokesman maintained that this withdrawal, like the one announced in July 1982, was merely a routine rotation of troops, the Chinese issued a statement which indicated that a significant reduction in troops had indeed occurred.⁹⁴

Refugee officials revealed in August that about 13,000 refugees in a holding center visited by Prince Sihanouk had demanded the right to join about 5,000 other supporters of the Prince at the border settlement of O Smach (renamed Sihanoukville); and that Thai military vehicles had been used to transport them. Prince Sihanouk appealed for an end to such repatriation on the grounds that the settlement did not have sufficient means to support additional refugees, but the Thais responded that they had no reason to prevent the voluntary return of the refugees to the border.⁹⁵

Following a conference of the three factions of the CGDK in Peking in December, Khmer Rouge troops cooperated with Mouli-

⁹³ *Nation Review*, 14 July 1983.

⁹⁴ *Facts on File* (3 August 1984): 559; and *Keesing's* (February 1984): 32671.

⁹⁵ Another report in August indicated that some 300 former Khmer Rouge guerrillas had entered Thailand and returned to Cambodia after a week in order to join Sihanouk's supporters. *Ibid.* (January 1983): 31888.

naka forces in a joint assault on the Khmer provincial capital of Siem Reap.⁹⁶ In response to these attacks, the Vietnamese forces in western Cambodia made preparations for extensive reprisals.

Ignoring pleas for peace from many members of the international community, the Vietnamese finally launched a second offensive, on March 25, 1984, by attacking Khmer Rouge and Moulinaka encampments and occupying adjacent territory in the Thai province of Sisaket. The Thais responded with counterattacks which resulted in the capture of forty Vietnamese soldiers and expulsion of the invaders back into Cambodia.

Heavy fighting continued near the Khmer Rouge stronghold at Phnom Milai and the KPNLF camp at Sok Sann; and the KPNLF base adjacent to Nong Chan was shelled. By the end of April, hostilities along the border had caused over 85,000 refugees to flee into Thailand.⁹⁷

Soon after the Vietnamese had launched the offensive, the Chinese initiated artillery attacks across the Sino-Vietnamese frontier; and by June, these attacks had escalated into the most prolonged and serious fighting between China and Vietnam since the Chinese invasion in February 1979. Unlike the 1979 invasion, however, Chinese troops did not cross the Sino-Vietnamese border.⁹⁸

⁹⁶ *Ibid.* (October 1984): 33155.

Notwithstanding such evidence of cooperation between the Khmer guerilla factions, there were reports that the Khmer Rouge, fearing that their base of support was being eroded by the growing popularity of the KPNLF and Moulinaka among Khmer villagers, were occasionally attacking small units of Khmer Serei troops. *FEER*, 30 August 1984, 36; and *Keesing's* (October 1984): 33157.

⁹⁷ *Facts on File* (April 1984): 298.

⁹⁸ A commentary appearing in the official Chinese communist publication, *China Daily*, acknowledged that the shelling was intended to divert the thrust

It should be noted that in their previous offensives, the Vietnamese had attacked CGDK forces in order to inflict heavy casualties and then retreated from the area of hostilities. This time, however, they did not withdraw from forward positions captured during the fighting, but consolidated these positions by mining and clearing the jungle at border crossing points and by improving the roads and supply lines in the areas prior to the onset of the rainy season. CGDK sources reported that thousands of Khmer civilians had been drafted for this work.⁹⁹

During the rainy season, the guerrillas of the Khmer Rouge, the KPNLF, and the forces of Prince Sihanouk, (now known as the *Armee Nationale Sihanoukiste* or ANS) continued to operate from base camps in frontier areas which had not been overrun by Vietnamese and PRK troops. The Khmer Rouge were reported to have been particularly active in carrying out sabotage operations and attacks on Vietnamese bases and PRK administrative centers deep inside Cambodia. Thai intelligence reports also indicated that the Vietnamese were stockpiling unusually large amounts of military supplies and equipment in western Cambodia in preparation for a major offensive in the border provinces.¹⁰⁰ Other sources indicated that the Vietnamese had concentrated about eleven divisions or

of Vietnam's campaign against the CGDK bases on the Thai-Khmer border. *Keesing's* (October 1984): 33107; and *Washington Post*, 15 February 1985.

⁹⁹ *FEER*, 5 December 1984, 20; and *Keesing's* (July 1985): 33732.

On August 26, 1985, the PRK announced that it would construct "strategic fences," plant mines and train "suicide commandos" to forestall guerrilla operations from Thailand. According to the Vietnamese army newspaper, between 25,000 to 30,000 Khmer civilians were recruited to construct a road to run parallel with the barriers through Battambang and Siem Reap provinces. *Ibid.*, June 1986, 34426; and *Facts on File* (25 January 1985): 20.

¹⁰⁰ *Ibid.*

about two-thirds of their total fighting force along the 420 mile Thai-Khmer frontier.¹⁰¹

Meanwhile, on October 17, the U.N. General Assembly accepted the credentials of the CGDK without a vote, as it did in 1983; and, on October 30, the Vietnamese suffered a serious diplomatic rebuff as the Assembly once again adopted a resolution demanding the withdrawal of all foreign troops from Cambodia. The vote was 110 in favor to twenty-two against, with eighteen abstentions. In 1982 and 1983, similar resolutions were adopted by 105 votes to twenty-three.¹⁰²

¹⁰¹ *FEER*, 14 March 1985, 25.

¹⁰² *Keesing's* (July 1985): 33732.

Chapter XI: Thailand and the Khmer "Evacuation Sites"

The obvious failure of Vietnam's efforts to split the CGDK and garner international support for the PRK, combined with the increasing threat posed by expanded guerrilla raids against PRK installations deep inside Cambodia, caused the Vietnamese to reappraise their military strategy. A change in that strategy was soon forthcoming.

Vietnamese-PRK Offensive Operations (1984-85)

Only one month after the U.N. General Assembly's latest vote to accept the credentials of the CGDK as the legitimate government of Cambodia, Vietnamese-PRK forces launched their expected offensive by attacking the KPNLF base adjacent to the large border settlement of Nong Chan. At the outset of the attack, about 20,000 refugees fled the area and crossed into Thailand.

Vietnamese forces continued to attack and overrun CGDK bases and settlements along the frontier, occasionally entering Thai territory in pursuit of guerrillas or in order to gain a tactical advantage. The offensive forced additional tens of thousands of Khmer civilians, who had been living in the settlements, to seek refuge inside Thailand.

On January 8, 1985, a force of some 4,000 Vietnamese troops captured the KPNLF headquarters at Ampil, forcing its defenders to withdraw into Thailand. During the assault, stray artillery shells caused Thailand to evacuate about 5,000 Thai civilians from

the area. In response to Thai protests, the Vietnamese agreed to establish a narrow demilitarized zone along the border near Ampil.¹

By early March 1985, the Vietnamese and PRK forces had succeeded in capturing nineteen of the twenty major guerrilla bases along the border, the one remaining being the headquarters of the ANS at Tatum.² On March 5, the Vietnamese began their attack on Tatum by occupying three hills on Thai territory overlooking the ANS stronghold. The Thais military responded by launching artillery, air strikes and infantry assaults against the hilltop positions.

The 3,000 ANS defenders finally withdrew from the base on March 11 and it was occupied by Vietnamese troops. On the following day, Thai officials announced that almost all of the Vietnamese troops had withdrawn from Thai territory.³ The loss of Tatum meant that the three resistance groups had lost control over all of their "liberated zone" on the border.⁴

¹ *Facts on File*, 18 January 1985, 20.

During this period, Thai military sources reported that about 20,000 Vietnamese troops, supported by twenty Soviet-supplied tanks, were attacking Khmer Rouge strongholds in the Phnom Milai mountains, south of Aranya-prathet. The Thais estimated that about 10,000 Khmer Rouge guerrillas were involved in the defense of the area and indicated that most of them had dispersed into small groups and infiltrated deeper into Cambodia before the final Vietnamese assault which resulted in the capture of the based on February 15, 1985. *Washington Post*, 15 February 1985; *Keesing's* (July 1985): 33731; and *Facts on File* (1 March 1985): 132.

There were also reports from refugees and Western diplomatic sources that the Vietnamese had stepped up their efforts to prevent the infiltration of guerrillas into the interior. The reports indicated that the Vietnamese had mobilized tens of thousands of Khmer villagers to construct a "barrier" of fences, ditches, and mine fields along the Khmer side of the border. *Washington Post*, 6 January 1985 and 21 May 1985.

² *Ibid.*, 8 March 1985.

³ *Keesing's* (July 1985): 33732; and *Facts on File* (22 March 1985): 197.

⁴ *Keesing's* (July 1985): 33735.

In late April, about 1,200 Vietnamese troops entered the southeastern Thai province of Trat and established three encampments on Thai territory. Thai infantry, supported by air strikes and artillery, reportedly drove the Vietnamese back into Cambodia by May 20.⁵ On June 18, Thai forces managed to expel 400 Vietnamese from Thai territory near Tatum.⁶

While the Vietnamese were pursuing their military campaign against the guerrilla bases and border settlements which supported those bases, they continued their diplomatic effort to divide the rebel coalition: During a visit to Japan in October 1984, Vietnamese Foreign Minister Thach repeated an offer of the PRK to negotiate a political settlement directly with the two non-communist factions of the CGDK, but not with the Khmer Rouge. Chinese Deputy Premier Teng Xiaoping had reportedly warned Prince Sihanouk that all support would be cut off for the ANS and the KPNLF should the coalition government be dissolved; therefore, Sihanouk had little choice but to reject the Vietnamese offer and insist that no negotiations would be possible without the participation of the Khmer Rouge.⁷

⁵ *Washington Post*, 21 May 1985.

The Thai Foreign Ministry presented the Vietnamese Embassy in Bangkok a note of protest on May 24, claiming that, between November 1984 and February 1985, Vietnamese troops had made ten major incursions, as a result of which 64 "officials and civilians" had been killed and 153 wounded. *Keesing's* (July 1985): 33732; and *Facts on File* (22 March 1985): 197.

⁶ *Keesing's* (July 1985): 33732.

⁷ *FEER*, 1 November 1984, 28, 30.

The Khmer "Evacuation Sites"

As we have noted, prior to the March 1984 offensive, it had been the strategy of the Vietnamese and PRK forces to withdraw during the rainy season from the border areas they had overrun, thereby permitting the refugees to return to their settlements and the guerrillas to their bases. Following this latest offensive, the Vietnamese and their Khmer allies continued throughout the rainy season to hold the areas they had captured and thus deny them to both guerrillas and refugees.⁸

By the time the Vietnamese ended military operations at the end of the dry season in 1985, over 230,000 Khmer refugees had fled the border settlements to seek asylum in Thailand;⁹ and some 30,000 Thai villagers had been displaced by border hostilities.¹⁰ To shelter the new population of refugees, the RTG permitted the establishment on Thai territory near the border of twelve "evacuation sites" under the auspices of UNBRO, with the assistance of the International Committee of the Red Cross. The Thais indicated that they regarded the Khmer at the sites as "illegal immigrants" who would be permitted to remain on Thai soil only until such time as they could be repatriated. By 1986, relief was being distributed to only eight camps designated as civilian - Site 2 and Sok Sann, controlled by the KPNLF; Site B (Greenhill), controlled by

⁸ *Facts on File* (25 January 1985): 20.

The Vietnamese ambassador to the United Nations stated at a news conference on January 3 that the offensive against the guerrillas would continue throughout the year. *Washington Post*, 6 January 1985.

⁹ *Facts on File* (1 March 1985, 132-3 and 22 March 1985, 197; *Keesing's* (July 1985): 33735; and *FEER*, 16 May 1985, 26.

¹⁰ *Bangkok Post*, 21 February 1985.

followers of Prince Sihanouk; and Site 8, Borai, Ta Luan, Natrao and Samrong Kiat (Huay Chan), controlled by the Khmer Rouge.¹¹

Since the guerrillas no longer had control of bases on the Khmer side of the frontier, the infiltration of men and supplies to support guerrilla operations inside Cambodia had to be initiated from Thai territory. This meant that the danger of direct confrontation between Thai and Vietnamese forces was greater than ever before. In response to this danger, the ASEAN foreign ministers, at a meeting in Bangkok on February 11, 1985, issued an appeal to the international community, calling for the first time for military aid for the Khmer resistance forces, as well as for continued political and humanitarian support.¹² The ASEAN ministers also agreed to make concurrent representations to the Soviet Union, requesting that it reduce its military assistance to Vietnam in order to effect a curtailment of Vietnam's occupation of Cambodia.¹³

¹¹ Josephine Reynell, *Political Pawns: Refugees on the Thai-Kampuchean Border* (Oxford: Oxford Univ. Refugee Studies Program, 1989), 38-39. For a map of the Khmer sites along the border, see appendix 1, pg. 423.

In addition to the large influx of Khmer refugees during this period, the RTG had to cope with the arrival of about 17,000 Karens who had fled from Burma as a result of a flare-up in the long-standing revolt of the Karen minority in that country. The Karen refugees were sheltered in seven camps in the Thai province of Tak. William Branigan, "Burmese Tribal War Flares Up Again, Karen Rebels, Army clash at Thai Border," *Washington Post*, 21 October 1985.

¹² *Washington Post*, 12 February 1985; and *Facts on File* (1 March 1985): 133.

On March 11, Chinese President Li Xiannian became the first Chinese head of state to visit Thailand since diplomatic ties were established in 1975. At a meeting with Prime Minister Prem, he pledged continue support for the Cambodian coalition government. *Facts on File* (22 March 1985): 197.

On January 11, 1986, the United States announced that \$3.5 million in "non-lethal" aid would be granted to the ANS and KPNLF forces and be administered through Thailand. The *Washington Post* reported on July 8 that the CIA had provided the two Khmer factions with over \$5 million in covert military aid since 1982. *Keesing's* (June 1986): 34426.

¹³ *Ibid.* (July 1985): 33735.

The Elections of July 1986

On May 1, 1986, Prem's coalition government was defeated in a parliamentary vote on proposed vehicle tax legislation and the Premier was obliged to dissolve the National Assembly and call for new elections, nine months ahead of schedule. It was rumored that the adverse vote was the result of a conspiracy by various business and political leaders, including the Army Commander in Chief, General Arthit Kamlangek, who was also alleged to have been involved in an abortive coup in September 1985.

Prem had previously refused to extend Arthit's command past his retirement age and, on May 27, dismissed him from his post, while allowing him to retain the largely ceremonial position of Supreme Commander of the Armed Forces. The announcement of Arthit's dismissal gave rise to rumors of a coup and armored units appeared in strategic areas of Bangkok. However, Arthit accepted the dismissal order and pledged to work closely with his successor.

The elections, scheduled for July 27, were widely regarded as a critical test for Thailand's democratic institutions.¹⁴ A total of 3,813 candidates from 16 parties contested 347 seats; and there was a record turnout of 61 percent of the 26 million eligible voters. The leading party in the coalition government, the moderate Democrat Party increased its representation from fifty-six to 100

¹⁴ The Thai Foreign Minister, Siddhi Savetsila, observed that the elections "will determine whether we can continue to be called a democracy, or (they) could herald its ending." *Facts on File* (5 August 1986): 607.

seats in the House of Representatives; and the King appointed a new Senate of 261 members, of whom a majority were military officers.

On August 8, with the support of the Democrat Party, Prime Minister Prem succeeded in forming a new governing coalition. He had survived two coup attempts and had been in office for six years, longer than any other civilian leader in Thai history.¹⁵

With his coalition strengthened by the elections, Prem moved to reduce the influence of the military. First, his government moved to prosecute those who allegedly had been involved in an abortive coup in September 1985, including five senior officers, twenty-six junior officers and non-commissioned officers, and nine civilians.¹⁶ Next, on February 9, 1987, he appointed himself director of the Internal Security Operations Command (ISOC), the RTG agency which had traditionally been responsible for administering the "secret military fund," foreign military aid and all domestic anti-communist operations. The ISOC was henceforth to be "a civilian policy making and planning body."¹⁷

The new government also moved to strengthen relations with the major powers. On January 9, 1987, Thailand entered into an agreement with the United States, whereby a "war reserve stockpile" of weapons would be established in Thailand for use by

¹⁵ *Keesing's* (September 1986): 34616.

General Prem retired from active duty in 1981.

¹⁶ *Ibid.*, 34617.

The RTG Interior Ministry announced on 27 November 1987 that 33 of the junior military and civilian officials allegedly involved in the coup would not be prosecuted, but that judicial procedures would continue against the senior officials who had been implicated. *Ibid.* (September 1988: 36151.

¹⁷ *Ibid.* (August 1987): 35318.

either country in a "nation-threatening emergency."¹⁸ Later, on May 3, the RTG expanded military ties with China by entering into an agreement to purchase Chinese tanks, anti-aircraft guns, and ammunition at "friendship prices." Thai Foreign Minister Siddhi also visited the Soviet Union on May 10-13, the first such visit by a Thai foreign minister; and signed a trade agreement before going on to East Germany, Poland, and Czechoslovakia.¹⁹

Recurrent Border Hostilities

Scattered incidents continue to occur along the Thai-Khmer border during successive months as Thai troops or Khmer guerrillas clashed with Vietnamese and PRK units which had crossed the border into Thailand to seek out guerrillas.²⁰ Notwithstanding the new Vietnamese-PRK strategy of maintaining positions along the border and their elaborate security measures inside Cambodia to prevent infiltration by guerrillas, Khmer Rouge and, to a lesser extent, Khmer Serei guerrillas continued to infiltrate into Cambodia

¹⁸ *Ibid.*, 35319.

This agreement between the U.S. and Thailand was "unusual in that the United States has similar arrangements only with other countries with which there are formal military alliances and in which there are U.S. bases." Robert J. Muscat, *Thailand and the United States: Development, Security, and Foreign Aid* (New York: Columbia Univ. Press, 1990), 28.

¹⁹ *Keesing's*, 35319.

²⁰ It was reported that during January-February, 1986, alone, sixteen Thai border guards and civilians were killed and eighty-three wounded in border hostilities. *Ibid.*, June 1986): 34426.

On May 29, the Khmer Rouge camp, Site 8, holding 30,000 refugees about 4 kilometers from the Khmer border was shelled. Twelve refugees were reported killed and between 30 and 50 injured, most of whom were children. Thai spokesmen reported that the shells were fired from Vietnamese positions inside Cambodia, but it was indicative of the near anarchy reigning along the border during this period that other sources reported that the shelling had resulted from factional fighting within the site itself. USCR *Refugee Reports*, published by the U.S. Committee for Refugees, Washington, 7, no. 6 (13 June 1986): 7-8.

from bases in Thailand and to attack civilian and military installations.²¹

On September 20, 1986, Vietnamese and PRK forces retaliated for the guerrilla raids by intruding into Thailand's Buriram province, occupying a disputed area called Hill 538, and initiating attacks on nearby Thai military installations. After a month-long battle, the Thai military announced (October 10) that the area had been retaken and the intruders repulsed.²²

Hostilities continued along the border and, on January 23, 1987, Thai Supreme Command Headquarters charged that Vietnamese and PRK forces had violated Thai territory on nine separate occasions since December 18, including one incursion which resulted in the downing of a Thai reconnaissance plane and the killing of its pilot. The PRK vehemently denied all the charges.

During January, a Vietnamese battalion of 500 men occupied strategic high ground at Chong Bok in the Thai province of Ubon Rathathan, near where the borders of Thailand, Cambodia, and Laos converge. The Thais attacked the position and, in mid-April, after protracted fighting, the Thai Supreme Command announced that

²¹ Chinese sources reported that Khmer Rouge porters, carrying ammunition and food, were having no difficulty penetrating the interior and supplying rebel forces operating around the Tonle Sap Lake and as close as ten miles of Phnom Penh. *FEER*, 27 August 1985, 38.

Thai military spokesmen supported the claims of the non-communist guerrillas that they, like the Khmer Rouge, had been able to rebuild their military strength "to almost the same level as before the last Vietnamese offensive" and also had conducted raids deep inside Cambodia. *Bangkok Post*, 11 June 1985 and 10 June 1985.

²² On November 5, the PRK protested to the U.N. Secretary General that Thailand had occupied Khmer territory and had caused a general escalation of tension in the region. It charged that Thailand wrongfully believed that Hill 537 was Thai territory, owing to faulty U.S. Army maps of the region. *Keesing's* (June 1987): 35199.

Thai forces had recaptured most of the area, that thirty-nine Thais and at least twenty Vietnamese had been killed in the fighting, and that most of the Vietnamese forces had retreated into Cambodia.²³

The Vietnamese Withdrawal from Cambodia

On January 18, 1985, the Indochinese foreign ministers, meeting in Ho Chi Minh City, repeated their call for an international conference of all nations concerned with "peace and stability" in Southeast Asia. The ministers observed that the growing strength of the PRK would permit the ultimate withdrawal of all Vietnamese troops and expressed confidence that "within five to ten years, the so-called Kampuchean problem will of itself be settled in the absence of a negotiated solution." In an interview in Hanoi in mid-April, Vietnamese Foreign Minister Thach elaborated on Vietnam's withdrawal plans by stating that half of the Vietnamese troops in Cambodia would be withdrawn by 1987, two-thirds by 1990, and all by 1995, when the armed forces of the PRK would presumably be strong enough to defend the country by themselves.²⁴

Notwithstanding persistent reports of widespread guerrilla operations inside Cambodia, the continued pressure from their benefactor, the Soviet Union, and the desire to placate their most powerful enemy, China, appeared to have induced the PRK and Vietnam to agree to advance the date for a withdrawal of all Vietnamese troops from Cambodia. At a meeting of the Indochinese foreign ministers in Phnom Penh on August 15-16, 1985, it was

²³ *Ibid.*

²⁴ *Ibid.*, 33733-4; and *Facts on File* (17 May 1985): 365.

announced that the withdrawal would be completed by 1990.²⁵

Though there still had been no discernable decline in guerrilla operations within Cambodia, the Vietnamese and the PRK repeated the withdrawal pledge at the next meeting of the Indo-chinese foreign ministers in August 1986; and there were growing indications that Vietnam's patron, the Soviet Union, was becoming increasingly anxious to end the occupation of Cambodia in order to improve relations with China.²⁶

As diplomatic efforts continued on the part of the United States, Thailand, and the other members of ASEAN to pressure both the Soviet Union and Vietnam into ending the occupation, Khmer Rouge and Khmer Serei guerrillas continue to engage in raids deep inside Cambodia. In late November 1987, the Vietnamese announced that 20,000 troops had already been withdrawn and that the remaining force of 80,000 to 90,000 men were still scheduled to be removed by 1990. In the past, Thai and other intelligence sources had discounted announcements of Vietnamese troop withdrawals as being nothing more than a propaganda cover for troop rotations. This time, however, there were clear indications that troop withdrawals from western and southern Cambodia had indeed taken place; and the Thais responded by pulling back an unspecified number of their troops from certain areas along the border.²⁷

²⁵ *Keesing's* (June 1986): 34425.

²⁶ The Chinese leader, Teng Xiaoping, observed earlier (September 2) that the Vietnamese presence in Cambodia was the greatest obstacle to an improvement in Sino-Soviet relations.

At the ninth round of Sino-Soviet normalization talks, held in October 1986, the subject of Cambodia apparently was raised for the first time. *Ibid.*, (June 1987): 35200.

²⁷ The *Far Eastern Economic Review* of 5 May 1988 reported that the pull-back

This was followed on May 26, 1988 by an announcement of the Vietnamese Defense Ministry that Vietnam and the PRK had agreed on the withdrawal of an additional 50,000 troops between June and December 1988. The remaining Vietnamese troops were to be placed under PRK command and would be withdrawn sometime during 1990, depending on the conclusion of a peace settlement between the PRK and the guerrilla factions. It was also announced that all Vietnamese troops would be pulled back at least thirty kilometers from the Thai-Khmer border.²⁸

The planned withdrawals were apparently carried out as scheduled by the end of 1988; and, on January 6, 1989, the Vietnamese announced that all their remaining troops would be withdrawn by September 1989, on condition that outside aid to all parties to the conflict would cease as part of the process toward a political settlement.²⁹ This was followed on April 5 by a joint statement by Vietnam, the PRK and Laos to the effect that all Vietnamese troops would be unconditionally withdrawn from Cambodia by September 30, 1989, but that the PRK reserved the right to seek assistance from other countries if aid to the guerrillas did not cease.³⁰

of Vietnamese troops left a "power vacuum" in the border areas, which was being filled by the Khmer Rouge; cited in *Keesing's* (June 1988): 35969.

²⁸ Western news reporters noted that the Vietnamese announcements had been timed to coincide with the summit meeting in Moscow on May 29-June 2 between President Reagan and Soviet leader Gorbachev. *Ibid.*

²⁹ *Ibid.* (January 1989): 36397.

³⁰ *Facts on File* (7 April, 1989): 231.

According to a *Washington Post* report dated 30 October 1988, a U.S. government audit the previous July had revealed that Thai military officers had stolen \$3.5 million in covert U.S. aid destined for the Khmer Serei. Thai military spokesmen denied the allegation, but indicated that an internal investigation would be

The Elections of July 1988

In late November 1987, the Thai House of Representatives took up the difficult matter of strengthening copyright legislation, as had been demanded by the United States and other nations which protested the widespread practice in Thailand of manufacturing goods without regard for copyright and patent restrictions. On November 25, the House approved the first reading of the amendments to the legislation, but the focus of the debate soon shifted to a disorderly dispute between deputies of the leading party, the Democrat Party (DP).

Thirty-three dissident members of the party voted with the opposition against the amendments; and thirty-one again voted against the amendments at their second reading on April 28, 1988. While the copyright amendments were approved,³¹ all sixteen DP ministers in the government resigned owing to the failure to maintain party unity.³² It was widely expected that the Prime Minister

made. The total amount of covert aid provided to the Khmer Serei guerrillas during 1988 was estimated at \$12 million. *Facts on File*, 31 December 1988.

³¹ The new copyright legislation still did not provide the level of protection demanded by the United States: In January 1989, the outgoing administration of President Reagan took punitive action against Thailand's laxity in protecting "intellectual property" by withdrawing that country's right to import duty exemptions on a number of products valued at \$165 million. *Ibid.*, 37085.

³² "In contradistinction to the military's capacity and will to exert influence in key areas, Thailand's political parties continue to be weak, divided and indecisive. Discontinuity of elected parliaments in the past has had adverse effects on political parties, disrupting their institutional development and efforts to perform interest-articulating and interest-aggregating functions at both national and local levels. Their reaches to the grass-roots remain limited and badly organized, as reflected in the fact that the Democrats, the party which has been in existence the longest, only has some 113 branches and 14,719 members nation-wide. Moreover, when allowed to function, as they have been since 1978, political parties suffer from the lack of discipline among

would reshuffle his cabinet in order to scale down the party's representation, but he decided instead to dissolve the House and call for new elections to be held on July 24, more than two years ahead of schedule.³³

In the elections, 3,606 candidates from sixteen parties contested 357 seats in the House of Representatives (an increase of ten seats since the 1986 elections).³⁴ The Democrat Party won only forty-seven seats, for a loss of fifty-three, and ranked third in the new House, after the Chart Thai ("Thai Nation") which increased from sixty-three to eighty-seven seats and the Social Action Party which won fifty-four.

The leader of the Chart Thai, Major General (ret.) Chatichai Choonhaven, who had served as Deputy Prime Minister in the preceding government, declared his support for Prem to continue to serve as Prime Minister. However, Prem declined the offer; and Chatichai then accepted the post as head of a six-party coalition and was appointed by the King on August 4.³⁵

members, who are wont to pursue factional and individual interests rather than abide by party policies and priorities." Samudavanija, "In Search of Balance," 211.

³³ *Ibid.* (September 1988): 36148.

³⁴ "... The relatively short campaign period meant that fewer rallies were held and candidates reportedly placed increased emphasis on the buying of votes, particularly in the north and northeast. The Siam Commercial Bank forecast on June 6 that money used by candidates to enhance their electoral prospects would lead to an increase in spending and a rise of almost 0.5 percent in the country's gross domestic product..." *Ibid.*, 36149.

³⁵ General Chatichai had served in the Royal Thai Army until 1958, when he switched to a diplomatic career. He was elected as a delegate for Nakhon Ratchasima province in 1975, was appointed Foreign Minister in the Kukrit Pramoj Government, and became leader of the Chart Thai Party in 1986. He was the first Thai Prime Minister to sit in the House of Representatives as a delegate since the overthrow of Seni Pramoj by the military in October 1976. *Ibid.*, 36150.

In the months following the elections, there was a great deal of jockeying for power among the civilian politicians in the House. The Pracheachon, Progressive and Community Action parties, with a total of seventy-one deputies, chose to merge with the main opposition party, Ruam Thai. Three days after the Supreme Court approved the merger (April 18, 1989), at least nine of the deputies defected to Chart Thai, the leading party in the government coalition, thereby increasing the number of government supporters to a majority of 229 of the 347 representatives in the House.³⁶

A Challenge to Premier Chatichai

During July, allegations of widespread corruption within the government came to a head with the tabling of a motion of no-confidence in the parliament (July 19) and live coverage of the ensuing debate on national television. Chatichai's coalition easily survived the vote with a majority of 220 to thirty-eight, after most opposition members walked out of the House as a gesture of protest.³⁷

This was followed by a debate in a joint session of the House and Senate of an amendment to the Constitution, which would make the Speaker of the House the president of the joint

³⁶ *Ibid.* (August 1990): 37656.

"... Chart Thai had excellent organization and access to unlimited funds because of its support for business and the military interests. The longest serving party, the Democrats... (p)rior to the election... had split into factions, thus explaining its poor electoral performance. Altogether, seventeen parties won seats to the lower house in the 1988 election. Clark D. Neher, *Southeast Asia in the New International Era* (Boulder: Westview Press, 1991) 35.

³⁷ *Ibid.* (August 1990): 37656.

body, in place of the Speaker of the Senate. The proposed change would be of little political significance, but was of great symbolic value in that it represented the desire of the elected members of the House to assert their primacy over the appointed, and predominantly military, members of the Senate. The amendment passed on July 28, after its third and final reading.³⁸

As a result of the evident stability of the government and the apparent reduction in the influence of the military, tensions arose between the military leaders and the civilian leaders of the government. The Army Commander-in-Chief and acting Supreme Commander of the Armed Forces, General Chaovalit Yongchaiyut, publicly attacked the government for alleged corruption and demanded political reform, a move which was seen by many as an indication of the military's growing frustration with its reduced political role. When a senior civilian policy adviser, Sukhumband Paribatra, countered with a charge that there was a high degree of corruption in the military, itself, some 1,000 Army officers gathered in Bangkok to protest his remark; and the Prime Minister was obliged to accept his resignation.

In order to placate the military, Prime Minister Chatichai then announced that General Chaovalit would be invited to attend cabinet meetings. This proposal resulted in such widespread criticism among both coalition and opposition delegates in the House, that the invitation was quickly withdrawn. The Premier declared that henceforth "the military would only interfere in

³⁸ *Ibid.*, (August 1990): 37083.

politics if it affected national security" and that "politicians should not interfere in the work of the military."³⁹

General Chaovalit was able to strengthen his influence in the military by fostering the promotion of over forty colonels to the rank of major-general. He also announced the formation of two "development divisions" to complement civilian development programs in a "war against poverty" in economically depressed regions, particularly the northeastern provinces, which had been stricken by drought, and the five southern provinces; and allocated the equivalent of over \$155 million for the Army's civic action budget. The General's budgetary decision was sharply criticized in the House, with opposition delegates charging that he was attempting to justify a high military budget at a time of a diminishing external threat to Thailand.⁴⁰

On August 6, 1990, the Prime Minister carried out two major cabinet changes: Foreign Minister Siddhi, who was widely considered to be opposed to Chatichai's lenient approach toward expanded economic and political ties with the PRK and Vietnam, was dropped from the cabinet; and, in a move which was regarded as an attempt to deflect charges of high-level corruption within the government, the Finance Minister, Pramual Sabhavas, was shifted to the post of Deputy Prime Minister.⁴¹

³⁹ *Ibid.*

⁴⁰ *Ibid.*, (August 1990): 37083-4.

⁴¹ *Ibid.*, (September 1990): 37655.

Coming to Terms with the PRK

During January 25-27, 1989, Hun Sen, the Chairman of the council of Ministers of the PRK visited Thailand for talks with Prime Minister Chatichai. Both officials stressed that the visit was "informal" and did not imply recognition of the Phnom Penh regime. The Thai Prime Minister indicated that Thailand wished to play a "facilitating role" between the combatants in Cambodia.⁴²

Prime Minister Chatichai set about to make his mark in foreign affairs by appearing to adopt a less stringent approach to the issue of normalization of relations with the PRK and Vietnam. This alarmed both China and the factions of the CGDK; and, in mid-March 1989, the Thai leader was obliged to visit China on a fence-mending mission to discuss Thailand's policy toward Cambodia with the highest-ranking Chinese officials.⁴³

Hun Sen again visited Bangkok on May 5 for further talks and proposed that Thailand assume a special role in monitoring Vietnamese troop withdrawals. Chatichai, for his part, suggested that all parties to the Cambodian conflict observe a ceasefire until a permanent settlement could be negotiated. Khieu Samphan, the Khmer Rouge representative who was serving as the CGDK Vice President for Foreign Affairs, rejected the cease-fire proposal and demanded that the Phnom Penh government be dismantled.⁴⁴

⁴² *Keesing's* (January 1989): 36397.

⁴³ *Ibid.* (March 1989): 36522.

⁴⁴ *Ibid.* (May 1989): 36658.

The Paris conference included representatives from Australia, Brunei, Cambodia, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, the Soviet Union, Britain, the United States, Vietnam, and Yugoslavia. *Washington Post*, 24 October 1991.

During August, a conference of nineteen nations, including Vietnam and all four of the contending Khmer factions (the PRK, the ANS, the KPNLF, and the Khmer Rouge), convened in Paris in order to promote a resolution of the crisis in Cambodia. The conference ended in a stalemate, with the delegates deeply divided over the issue of whether or not the Khmer Rouge should be included in any interim coalition government.⁴⁵

The failure of the conference meant that no international mechanism had been established to monitor the projected Vietnamese withdrawal. However, the PRK invited more than 400 journalists and 106 observers representing twenty countries and six international organizations to witness the event. The Vietnamese claimed that, during May-July, some 24,000 troops had been withdrawn and, during September 21-26, the balance of 26,000 returned to Vietnam.⁴⁶

The end of the Vietnamese military presence in Cambodia meant that Thailand had successfully weathered the most serious threat to her security since the Japanese occupation of her territory during World War II. The persistence of extremely serious eco-

⁴⁵ *Keesing's* (August 1989): 36848.

⁴⁶ A senior Vietnamese military spokesman reported on September 19 that some 80,000 Vietnamese civilian nationals remained in Cambodia. Foreign observers estimated, however, that from 200,000 to 400,000 Vietnamese had settled in Cambodia.

The spokesman also noted that 25,300 Vietnamese soldiers had been killed in Cambodia and 55,000 seriously wounded since the invasion in December 1978. *Ibid.* (September 1989): 720.

According to a report in the *Bangkok Post* of September 19, 1989, Vietnamese and Chinese diplomats confirmed that a secret summit meeting had taken place on September 3-4, at which the two communist states concluded a memorandum of understanding aimed at ending the conflict in Cambodia and normalizing relations. Cited in *Keesing's*, (September 1990): 37713.

conomic dislocations within Vietnam and the desire of the Soviet Union to reduce the heavy burden of economic and military assistance to that country and to improve relations with both China and the United States undoubtedly had been the primary factors which led to the Vietnamese withdrawal.⁴⁷ Nevertheless, the RTG could rightly claim at a least a small measure of credit for the withdrawal owing to its steadfast military strategy along the Thai-Khmer frontier and its astute diplomacy within ASEAN.

It should also be noted that, owing to expanded export earnings and increased revenues from tourism, Thailand's economy during 1989 was experiencing a phenomenal growth rate of 9.6 percent, the highest in all of Asia.⁴⁸ In addition, the RTG, in coop-

⁴⁷ Owing to severe economic problems at home and in Eastern Europe, the Soviet Union was forced to scale back its \$14.5 million pledge of aid for Vietnam's five year plan, which was to end in 1990, and also to reduce the Soviet military presence in that country. Vietnam's current debt to the Soviet Union was estimated at about \$15 billion. *FEER*, 4 January 1990; cited in *Keesing's* (February 1990): 37288.

"In Vietnam, there is a clear sense that the country is in danger of being left behind permanently by other, dynamic Asian economies. Vietnam's per capita gross national product of about \$160 is about one-fifth of Thailand's. Even in war-ravaged Cambodia, which suffered the worst agony of the Indo-chinese countries, people live better than in Vietnam these days, according to recent visitors. That may explain, in part, why so many Vietnamese are moving to settle there." Lena H. Sun, "Vietnam, Part 6: Asia's Rising Tide - the 'Dominoes' are Standing Tall," *Washington Post*, 26 April 1985.

⁴⁸ "... The growth was partly the result of global factors, such as the decline in oil prices and the informal link between the Thai currency (the baht) and the U.S. dollar. Thailand's exports had shifted from traditional items (rice and tin) to manufactured and light industrial goods. The economy also gained from rising tourism earnings." *Keesing's* (September 1988): 36151.

"The transformation of Thailand's export structure was more extensive than that of the production structure. During 1970-1987, Thailand evolved from being an exporter of primary commodities to an exporter of manufactured goods. For this period, the share of primary exports to total exports declined from about 90 per cent to 48 per cent while manufactured exports increased from about 5 per cent to 51 per cent. The fast growing export sub-sectors included clothing, textiles, electrical and non-electrical machinery, resource-based manufactures, and miscellaneous manufactures. This reflects Thailand's comparative advantages in generally low skilled labour-intensive industries and certain agricultural

eration with Malaysia, succeeded in concluding a peace agreement with the Communist Party of Malaysia, thereby ending a guerrilla insurgency along the Thai-Malaysian border which had lasted for forty-one years.⁴⁹ During the previous few years, the Thai government also managed to achieve similar success in suppressing Thailand's own communist and Muslim guerrillas.⁵⁰ One might

resource-intensive industries. Wisarn Puppavesa, "3. Industrialization and the Role of Foreign Direct Investment in Thailand," in Organization for Economic Co-operation and Development, *Foreign Direct Investment Relations Between the OECD and the Dynamic Asian Economies: The Bangkok Workshop* (Paris: OECD, 1973), 62.

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⁴⁹ ³⁶ "Thailand and Malaysia had agreed in June 1983 to establish a regional border commission and conduct joint counter-insurgency operations along their border against both Malaysian communists and Muslim separatists. On November 2, 1983, 700 guerrillas surrendered and Thai officials estimated that 1,200 were still active in the south. *Keesing's* (March 1984): 32745-6.

⁵⁰ "There has been much debate over the reasons for Thailand's success in this thirty-year story. Many factors were involved, some entirely outside Thailand's control, some entirely Thailand's doing, and some in which the U.S. aid program played a significant part. (The) important factors contributing to the decline of the CPT and the insurgency included the following: a) the effects on the CPT leadership, the insurgent membership, and ordinary villagers to the influx of Cambodian refugees with their accounts of the Pol Pot regime, the influx of Laotian refugees fleeing Communist rule, and the Vietnamese invasion of Cambodia; b) the withdrawal of Chinese financial and propaganda support; c) Vietnamese expulsion of pro-Chinese members of the CPT from their sanctuaries in Laos and Cambodia; d) the failure of the Thai villagers to respond to the appeal of the CPT; e) the gradual substitution by the RTG of programs of amnesty, rural services and village development, Hill Tribe and other resettlement, and reabsorption of the students into the mainstream in place of earlier search-and-destroy tactics of force; f) the introduction in the 1960s of in-service training for the nai amphur (district officer) and of a policy of sending the best officials to work in the Northeast in place of the traditional treatment of that region as a bureaucratic Siberia; g) the programs to provide transportation, power, water, and government health and other services to areas previously neglected and most exposed to insurgent activity; h) the failure of the CPT leadership (largely uneducated) to develop a coherent vision of an alternative society and a program relevant to the specific characteristics of Thai society; and i) the CPT's inability to develop an effectively binding relationship with the students who had fled autocratic government in Bangkok only to be disillusional (sic) and repulsed by the rigid, autocratic behavior of the CPT cadre." Muscat, 157-8.

The Thai military estimated that the Communist Party of Thailand (CPT) had a fighting strength of 7,000 men in early 1982, a decline from a peak of about 12,000 men in early 1979. By the end of 1983, the insurgency in the northern

assume that all of these highly fortuitous events would have enhanced the prestige of the Thai government and thereby strengthened the movement toward true parliamentary democracy in the kingdom. Unfortunately, however, owing to the intense rivalries still existing between the primary cliques of the military-commercial elite, this was not to be the case.

The Coup of February 1991

The military's discontent with the Chatichai Government continued to fester and reached its peak on February 20, 1991, when the Prime Minister ignored the will of senior military leaders and appointed Deputy Premier Arthit, the former Army Chief-of-Staff, as Deputy Defense Minister. The appointment permitted Arthit some control over the military budget and promotions and thereby posed a threat to the influence of other military leaders.⁵¹

On February 23, with a rumor of the impending dismissal of the Supreme Commander of the Armed Forces, General Sunthorn

provinces was effectively ended, following large-scale surrenders by communists and their sympathizers, "involving hundreds or even thousands of people at a time." The CPT reportedly had been "severely weakened by internal dissention, arising in part from the reduction in Chinese backing for the party."

On 13 August 1985, at a ceremony accepting the surrender of 361 Thai communist insurgents in the southern province of Yala, General Arthit, then Supreme Commander of the Armed Forces and Army Commander-in-Chief, announced that the CPT "and other terrorist movements in the southern border provinces no longer exist" and that "we now have only small groups of criminal bandits who operate under the cloak of terrorist movements." *Keesing's* (October 1985): 33921.

In a television interview on 30 October 1988, General Chaovalit Yongchaiyut, then Army Commander-in-Chief and acting Supreme Commander of the Armed Forces, noted that, during 1988, over 240 Thai communist insurgents had surrendered and 52 had been arrested. He estimated that some 200 to 250 members of the CPT remained at large, along with some 1,000 Muslim guerrillas in the southern provinces. *Ibid.*, (August 1990): 37084.

⁵¹ *Ibid.* (February 1991): 38004.

Kongsompong, Chatichai and Arthit were arrested by the military while on their way to the royal palace in Chiang Mai, where they were to attend Arthit's swearing-in ceremony. After key installations in Bangkok had been placed under military control, General Sunthorn appeared on national television to declare that a "National Peace-Keeping Council" (NPKC) had taken control of the country in order to "preserve the democratic system." The General also announced that martial law was being imposed throughout the country, that the Constitution of 1978 had been abolished, that the House, Senate and cabinet had been dissolved, and that all political gatherings were banned until further notice.

A spokesman for the NPKC later explained that the bloodless coup had been carried out because the Chatichai Government had become a "parliamentary dictatorship," characterized by widespread corruption and abuses of power. He also charged that the government had seriously undermined the position of the armed forces in Thai society and had "protected the plotters of an alleged attempt in 1982 to overthrow the monarchy."⁵²

King Bhumibol endorsed the coup, with the observation that Chatichai had "failed to gain the people's confidence and also failed to maintain peace and order in the country." The King also gave his sanction to General Sunthorn as head of the ruling junta.⁵³

⁵² *Ibid.*

⁵³ *Facts on File* (28 February 1991): 148.

The United States responded to the coup by suspending its \$16.4 million development aid program, but continuing its \$4 million anti-narcotics campaign in Thailand. The Japanese indicated, after a brief pause, that their aid program for Thailand would continue unchanged. *Ibid.*, 147.

Thus, Thailand's longest period of parliamentary-based government came to an abrupt end.⁵⁴

On March 1, the King approved an interim constitution which had been drafted by the NPKC. Under its terms, the Council was transformed into a "National Peace-Keeping Assembly" (NPKA), which was to appoint a "National Legislative Assembly" to share power until national elections could be held. The Legislative Assembly would be empowered to draft a new constitution; and elections were to be held by the end of 1991 or 120 days into 1992 if there was a delay in approval of the new constitution.

The NPKA was empowered to select an interim Prime Minister and, on March 2, Anand Panyarachun, a former diplomat and businessman, was named to the post. The NPKA announced, on March 15, the formation of the Legislative Assembly; and about half of the 292 seats were allotted to military officials.⁵⁵ Both Chatichai and Arthit were allowed to leave the country; and martial

⁵⁴ The coup of February 1991 marked the seventeenth attempt by the Thai military to overthrow civilian rule since the Revolution of 1932 and the ninth attempt which was successful.

Though the ousted prime minister was technically a civilian when he accepted the premiership, he himself was quoted, in 1987, seven years after first assuming office, as noting that "without the armed forces, I would not have been prime minister." Reported in the Thai newspaper, *Siam Rath*, 19 April 1987, 16; cited in Samudavanija, "In Search of Balance," 209.

⁵⁵ *Keesing's* (March 1991): 38099; and *Facts on File* (21 March, 1991): 186.

"*The Far Eastern Economic Review* of March 7 commented that the coup was 'widely accepted, almost popular.' In an attempt to head off possible dissent, the NPKC introduced sweeping tax cuts on Feb. 28. However, student demonstrations erupted at Bangkok's Ramkhamhaeng University on Feb. 25, and 15 people were arrested for illegal assembly. A group of 96 academics issued an open statement on Feb. 28, claiming that the coup had 'impaired' Thailand's position in the world community and asking the NPKC to withdraw martial law as soon as possible." *Keesing's* (February 1991): 38004.

law was lifted on May 3, except in twenty-one "sensitive" border provinces and districts.⁵⁶

During January 15-17, Prime Minister Anand paid an official visit to Hanoi, the first visit by a Thai premier since the reunification of Vietnam in 1976. He signed a protocol updating the 1978 agreement on economic and trade cooperation and a memorandum of understanding on rice trading.⁵⁷

The Elections of March 1992

A twenty-man committee, composed primarily of civilians, was formed to draft an interim constitution which would go into effect until national elections could be held. The draft constitution was submitted to the Assembly and its final passage was announced on December 15. The constitution stipulated that elections would be held within 120 days to form a new National Assembly with 360 seats and that the ruling junta would appoint a new Senate of 270 members, which was to have the right to vote on all royal decrees and motions of censure against the government. The interim Prime Minister later announced that the elections would be held on March 22, 1992.⁵⁸

The elections were held as scheduled, with none of the fifteen parties winning a majority and four parties failing to win a single seat. The *Samakkhi Tham* Party, backed by air force officers,

⁵⁶ *Ibid.* (May 1991): 38194.

⁵⁷ The Thai leader also offered Vietnam long-term credits worth about \$US 6 million for the purchase of Thai goods. The Hanoi government approved the opening of a Thai consulate-general in Ho Chi Minh City and authorized a Thai bank to establish a branch office in Vietnam. *Keesing's* (January 1992): 38723.

⁵⁸ *Ibid.* (April 1991): 38150-1.

managed to win the largest number of seats (79). However, a newly formed party, the *Palang Dharma*, led by the highly respected former mayor of Bangkok, Major General (ret.) Chalong Sri-maung, managed to win thirty-two of thirty-five seats in the Bangkok District and thereby decimated the electoral base of the pro-military *Prachakorn Thai* Party, which was limited to only seven seats. The ruling junta managed to organize a coalition of the four major pro-military parties with a total of 191 seats and proposed, on March 25, that Narong Wongwan, the head of *Samakki Tham*, be named Prime Minister. The same day that Narong's candidacy was announced, it was challenged by a "pro-democracy" alliance of four parties, including Palang Dharma, which controlled 163 seats in the Assembly.⁵⁹

By April 3, there were reports that the junta had withdrawn its support for Narong and, when Air Chief Marshal Somboon Rahong, the leader of *Chart Thai*, declined to be nominated for the premiership, the coalition began to pressure the most prominent leader of the junta, General Suchinda Kraprayoon, Army Commander-in-Chief and Supreme Commander of the Armed Forces, to assume the post. Though Suchinda had pledged in November 1991 never to accept the premiership, he reluctantly resigned his military positions, formally accepted the appointment on April 7, and succeeded in forming a new cabinet on April 17.⁶⁰

On April 20, leaders of the pro-democracy alliance began a series of public demonstrations against Suchinda, demanding that

⁵⁹ *Ibid.* (March 1992): 38816.

⁶⁰ *Ibid.* (April 1992): 38865.

he step down in favor of an elected politician. The junta was formally dissolved on April 21, but General Chamlong announced that he would fast to the death until Suchinda resigned.

Finally, on May 9, it was announced that the government and opposition leaders had agreed on several revisions to the constitution, including one which would bar a non-elected person, such as Suchinda, from becoming Prime Minister. Chamlong then called off his hunger strike and resigned as head of his party.

When it became apparent that the members of the coalition would not force Suchinda to resign, regardless of the constitutional revision, the demonstrations resumed: On May 17, speaking at a rally in Bangkok, which was attended by an estimated 150,000 people, Chamlong denounced Suchinda as a dictator. That evening, demonstrators attempted to march on Government House and began burning cars after they had been halted by police barricades. The government responded to the violence by declaring a state of emergency, during which all demonstrations would be banned, schools closed, and restrictions placed on the news media.

During the morning of May 18, the police manning the barricades were replaced by army paratroopers with orders to repress any further demonstrations. During the day, the troops killed at least five protesters and arrested Chamlong and hundreds of his supporters. Unrest continued throughout Bangkok as demonstrators attacked and burned buildings and cars; and the soldiers responded by firing on the crowds. By the end of the following day,

more than fifty demonstrators had been killed and thousands arrested.⁶¹

In the morning hours of May 20, the government declared a nineteen-hour curfew throughout Bangkok; and during the evening, the King personally intervened in the crisis by bringing Suchinda and Chamlong together in a meeting of reconciliation which was broadcast on national television. In a televised address the following day, Suchinda announced that Chamlong and the others who had been arrested during the demonstrations would be freed; and Chamlong

⁶¹ *Ibid.* (May 1992): 38895.

"Throughout the 1980's, as Thailand's economy boomed, an exhilarating sense of change began to infuse the new middle class that was quickly putting its civilian stamp on the social and political life of the country. At every intellectual gathering where tomorrow's Thailand was discussed, one theme was heard: The days of coups and dictatorships are over; the army will have to play by the political rules.

"Today, many young, middle-class Thais were on the streets of Bangkok facing an army willing to destroy a dream so as to maintain its hold not only on political power but also on the economic spoils of near-absolute authority.

"To the army, civilian rule in Thailand is a threat to the privileges that have made generations of colonels and generals rich. It would jeopardize their immunity from prosecution in corrupt and sometimes criminal acts, Thai political scientists say. It would sooner or later remove them from the boards and directors' chairs of major industries." "Thailand's Military is Seen as Grasping Spoils of Power" by Barbara Crossette, *New York Times*, 19 May 1992.

"Despite (its economic) achievements, the Thai state has failed to carry out public policies in many areas. Its failure to collect personal and corporate taxes in a fair and efficient manner, for example, has resulted in meager state resources and the inability to build an infrastructure and establish adequate health, environmental, and educational services. As a proportion of gross domestic product, Thailand's public investment is one of the lowest among the developing world economies.

....

Thailand's remarkable economic growth can be explained in many ways. Certainly, the generally prudent state policies since 1977 have been crucial for providing the necessary stability and environment. In some respects, the Thai state has been 'strong' enough to get out of the way of the dynamic Sino-Thai entrepreneurial class, while in other respects the government has supported the demands of these entrepreneurs for an open, market-oriented economy. Conversely, since the 1970s, business organizations have initiated, transformed, or even blocked important economic policies and legislation they have deemed antithetical to their interests." Neher, *Southeast Asia*, 44-5.

appealed to the protestors to refrain from further acts of violence. Some 3,000 demonstrators were released from prison and the curfew was lifted.

Anxious to restore stability as rapidly as possible, the King issued a decree on May 23, granting amnesty to both the military and the demonstrators involved in the violence; and Suchinda resigned as Prime Minister the following day. The five-party pro-military coalition remained in power and selected Deputy Prime Minister Meechai Ruchuphan to serve as interim Prime Minister. The state of emergency was lifted on May 26 and the situation in Bangkok quickly returned to normal.⁶²

The Elections of September 1992

On June 10, with the approval of the King, the pro-democracy parties were able to have Meechai replaced as Prime Minister by Anand, the leader of the successful caretaker government which had been installed following the coup of February 1991. The National Assembly was dissolved by royal decree on June 29 and elections for a new House of Representatives were scheduled for September 13. In the electoral campaign which ensued, at least seven canvassers were killed by political rivals and "huge sums" were reportedly paid to buy votes in rural areas.⁶³ Twelve

⁶² *Keesing's* (May 1992): 38895.

⁶³ *Ibid.* (June 1992): 38966.

"The election was widely characterized as a contest between "angel" or pro-democracy parties which had opposed the Suchinda government (the Democrat Party, New Aspirations Party, *Palang Dharma* and *Ekkaparb*) and "devil" or pro-military parties.

"The principal "devil" parties were *Chart Thai* and *Chart Patthana*. The latter formation had been created since the March election under the leadership

parties participated in the elections; and, as had been the case in past elections, no one party was able to gain a majority. The Democrat Party won the largest number of seats, seventy-nine, and quickly entered into negotiations with the other pro-democracy parties to form a coalition government. With the support of the conservative Social Action Party, a coalition was finally formed with a majority of 207 seats in the House.⁶⁴

On September 23, the Democrat Party leader, Chuan Leekpai, was approved as Prime Minister, with the support of 216 House delegates; and Thailand had its first premier with no military background since the ousting of Kukrit in the coup of 1976. One of the first measures of the new government was to secure a unanimous vote in the House to revoke the amnesty protecting the military personnel who were involved in the bloody suppression of the demonstrations in May.⁶⁵

of former Prime Minister Maj. Gen. Chatichai Choonhavan... drawing its support largely from *Chart Thai* (Chatichai's old party) and from *Sammakki* (sic) *Tham*, the air force's protege party which had won the largest number of seats (79) in the march elections, but disintegrated with the collapse of the Suchinda government." *Ibid.* (September 1992): 39093.

⁶⁴ *Ibid.*

Squadron Leader Prasong Soonsiri, a member of the Palang Dharma and the former Secretary General of the National Security Council, who had played a major role in formulating Thailand's policies toward the Indochinese refugees, was named Foreign Minister in the new government.

⁶⁵ *Ibid.* (October 1992): 39145.

Table 5: Khmer Refugees in UNHCR Camps in Thailand⁶⁶

Year	Arrivals	Births	Resettled	Repatriated	Deaths	Camp Pop. (end of year)
1975	17,038	NA	7,261	-	NA	9,777
1976	6,428	NA	5,251	-	NA	10,954
1977	7,045	NA	2,970	-	NA	15,029
1978	3,528	NA	3,384	-	NA	15,173
1979	137,894	NA	17,323	-	NA	135,744
1980	43,608	6,973	27,200	9,022	875	147,059
1981	16	7,442	49,731	-	356	97,804
1982	14	4,330	20,411	-	250	83,951
1983	-	2,828	29,138	-	182	56,299
1984	4,346	2,800	21,706	1	149	41,619
1985	7,989	1,821	19,550	-	124	31,761
1986	197	1,375	6,266	-	58	26,949
1987	39	892	4,977	-	52	22,974
1988	-	850	7,250	-	48	17,152
1989	4,586	779	5,074	20	64	17,230
1990	1,292	319	2,422	56	29	15,308
1991	1,212	471(Nov.)	2,259	69	64(Nov.)	14,975
1992	1,836	NA	1,181	7,709	NA	7,128 (170,000)
Total:	237,068	30,880 (Nov. 91)	234,354	16,877	2,251 (Nov. 91)	(Nov. 92)

⁶⁶ Derived from "UNHCR, Refugees and Displaced Persons from Indo-China in UNHCR-Assisted Camps in Thailand, As of 30 November 1991, Statistics of Indo-Chinese Refugees and Displaced Persons, I. Overall Situation of Indo-Chinese Refugees in Thailand, 1975-Present," pp. 1-2; UNHCR... As of 31 December 1991," p. 1, "Statistics of Indo-Chinese Refugees and Displaced Persons, IVB. Departures to Resettlement Countries," p. 8, and "IVC. Voluntary Repatriation Summary," p. 10; and "UNHCR... As of 31 October 1992" (cover page), "Statistics of Indo-Chinese Refugees and Displaced Persons, IVB. Departures to Resettlement Countries," p. 8, and "IVC. Voluntary Repatriation Summary," p. 10; and "Statistics Concerning Indo-Chinese in East and South East Asia for the Month of December 1992," Geneva, January 1993, Table II (unnumbered).

In addition to those repatriated, the UNHCR reported that 4,010 Khmer were "relocated" from UNHCR camps to the border settlements during 1980, 18,528 in 1981, 8,863 in 1982, 853 in 1983, 116 in 1984, 89 in 1985, and 14 in 1986. "UNHCR... As of 30 November 1991, Statistics of Indo-Chinese Refugees, I. Overall Situation of Indo-Chinese Refugees in Thailand, 1975-Present," p. 2.

Note: The figure of 170,000 in parentheses is the UNHCR estimate of the number of Khmer asylum seekers in four remaining settlements along the Thai-Khmer frontier, who were awaiting repatriation, as of late November 1992. See USCR *Refugee Reports*, 13, no. 11 (29 November 1992): 3.

The Khmer "Holding Center" Population

As indicated in Table 1 above, the population of Khmer refugees provided refuge in UNHCR "holding centers" inside Thailand had stabilized about 15,000 during 1977 and 1978, owing primarily to the resettlement effort undertaken by the United States and, to a much lesser extent, France. Soon afterwards, however there were indications that the United States was experiencing serious difficulties in absorbing the hundreds of thousands of Indochinese who had been welcomed to its shores.⁶⁷ In response to growing public concern over the resettlement issue, the U.S. Congress passed legislation which provided for a more restricted definition of refugees deemed acceptable for admission.⁶⁸

⁶⁷ One observer has explained the problem as follows: "The first waves of refugees entering the United States were families headed by urban educated, elite professionals, for the most part. They demonstrated their ability and willingness to work hard, help themselves and keep off welfare rolls. But, four factors contributed to a change in the favorable initial response to refugees. First, the influx increased dramatically during 1978 and 1979. This upsurge led to fears of uncontrollable numbers in the future, from Indochina, but also from other unstable regions. The arrival of Haitians augmented the fear. Second, the American economy continued to experience high inflation and unemployment. Third, later refugees were less educated, rural, and unskilled in contrast to those who arrived prior to 1978. Fourth, the cost of social services associated with resettlement reached one billion dollars per year.

"While President Carter was pressured by interest groups to take in more refugees on humanitarian grounds and while refugees may have served foreign policy interests, there was growing concern about how many refugees the United States could reasonably be expected to take..." Dr. Valerie Sutter, "American Values and International Refugees," in *Institutions for Projecting American Values Abroad*, 3, ed. Kenneth W. Thompson (Lanham, MD: Univ. Press of America, Inc., 1983), 5-11.

⁶⁸ "The U.S. refugee programme in Southeast Asia was under intense scrutiny and pressure to scale back in 1981. More than 500,000 Indochinese had resettled in hundreds of communities all across America, thousands more were arriving every month, and the resettlement system seemed strained to breaking. Refugee welfare dependency rates were at 67 per cent, and local service providers felt overwhelmed and underinformed as to who these new Americans were and what they needed. Restrictionist attitudes had been reinforced by the influx of 130,000

As they had in the past, Thai officials threatened to forbid the entry of new asylum seekers should the rate of resettlement drop significantly. Following assurances from U.S. Ambassador Morton Abramowitz that the United States would restore its previous level of resettlement opportunities, the Thais agreed to continue to provide temporary asylum for incoming Indochinese.⁶⁹

During the first eight months of 1982, however, only some 24,000 Khmer, Laotian and Vietnamese refugees had been taken

Cubans during the Mariel boatlift in the spring and summer of 1980, as well as by thousands of Haitian boat people fleeing political oppression and poverty.

"In addition the United States had passed a major new Refugee Act in March 1980 which, among other things, had redefined refugee status to bring it in line with the UNHCR definition. Gone were the old geographical and ideological restrictions that limited refugee status to someone fleeing a communist country or the Middle East. But gone, too, was the system of ad hoc parole programmes. Instead Congress and the Administration were to consult before each fiscal year on the numbers of refugees to be admitted. The new Act also gave the Attorney General responsibility for determining refugee admissibility, a responsibility that was, in turn, delegated to the Immigration and Naturalization Service (INS), within the Department of Justice." Robinson, 224.

The result was that, under the new definition, up to 16 percent of the refugees interviewed in the camps in Thailand and other countries of first asylum were "deferred" from further processing for resettlement. *Facts on File* (5 June 1981): 373-4.

⁶⁹ U.S. Secretary of State Alexander Haig objected to the new interpretation of refugee status by the U.S. immigration authorities and sent a letter (April 30, 1981) to U.S. Attorney General William French Smith, in which he insisted that with "rare exception" all those who fled the regimes of Indochina suffered "real persecution" and were likely to face severe punishment should they be forced to return home. In his reply (May 20), the Attorney General agreed to reverse the policy, declaring that "Persons coming out of Vietnam, Laos and Cambodia... are presumed to be refugees by the (Immigration and Naturalization Service) and therefore (are) admissible to the United States." *Ibid.*

"In May 1983 President Reagan signed a directive which instructed the Attorney General to ensure that the following categories of refugees "will not have to present independent evidence regarding persecution:" "(T)hose who fled Cambodia because of occurrences during the Pol Pot regime, former members of the military, those with close relatives in the United States, and persons who refuse to work with the new regime in Cambodia...,unaccompanied minors and those deserting (from the military of Vietnam).

"By the end of 1983 it was clear that the directive was being effectively implemented. INS approval rates were up to 85 percent and the population of Khao I Dang had, as a result, fallen to less than 40,000." Shawcross, 413-4.

out of the Thailand, compared with 83,000 (including about 50,000 Khmer) during the same period the previous year. This led the Secretary General of Thailand's National Security Council, Prasong Soonsiri, to warn, in an address to the ambassadors of the United States and eight other resettlement countries, that the RTG would forcibly repatriate the 140,000 Khmer refugees remaining on Thai territory and close its borders to all incoming boat people from Vietnam should the resettlement rate continue to decline.⁷⁰

As indicated in Table 6 below, the total number of Indo-chinese refugees resettled out of Thailand during 1982 amounted to about 43,000 during 1983 and declined again in 1984 to about 38,000. When another decline was projected for 1985, the RTG repeated its threat to forcibly repatriate the refugees in the UNHCR camps and to deny entry to all in-coming asylum seekers.

⁷⁰ "The warning came amid reports that Thailand had forced 335 refugees to return to Laos in June. Thai officials claimed those expelled were only 'economic migrants,' but Western diplomatic sources said three of them might have been killed upon their return and 11 imprisoned for earlier resistance activities." *Facts on File* (15 October 1982): 756-7.

According to U.S. reports, from April 1975 through September 1983, a total of 341,905 Indochinese refugees were resettled out of Thailand, of whom 203,633 (59 percent) were taken in by the United States. The U.S. took in over 25,000 Vietnamese boat people, with about 18,000 resettled in other countries; 48,700 Khmer, with 52,800 going to other countries; 51,900 Hmong, with 20,700 going to other countries; 70,200 Lao, with 36,000 going to other countries; and 7,559 Vietnamese "land" refugees, with about 10,000 going to other countries. U.S. Dept. of State Document No. 01071, RP/RAP, 1983; cited in Randolph 227.

Table 6: Indochinese Refugees Resettled Out of Thailand⁷¹

Year	Khmer Resettled	Khmer Camp Pop.	Lao Resettled	Lao Camp Pop.	Hilltribe Resettled	Hilltribe Camp Pop.	Viet. Resettled	Viet. Camp Pop.	Overall Resettled	Overall Camp Pop.
1975	7,261	9,777	1,109	9,086	454	44,205	3,931	515	12,755	63,583
1976	5,251	10,954	11,221	17,364	4,593	46,878	3,113	2,615	24,178	77,811
1977	2,970	15,029	4,739	30,695	2,481	48,270	4,342	3,601	14,532	97,595
1978	3,384	15,173	10,426	69,050	5,424	50,859	7,074	5,345	26,308	140,427
1979	17,323	135,744	26,032	65,063	13,328	61,474	12,163	39,301	68,846	271,582
1980	27,200	147,059	46,286	50,730	28,927	53,866	25,645	9,530	128,058	261,185
1981	49,731	97,804	21,822	33,337	4,437	56,054	26,574	5,803	102,564	192,998
1982	20,411	83,951	6,285	23,137	3,003	52,918	3,391	8,903	33,090	168,909
1983	29,138	56,299	5,712	20,697	1,414	47,343	6,457	8,622	42,721	132,961
1984	21,706	41,619	6,677	27,346	2,401	54,748	6,929	4,726	37,713	128,439
1985	19,550	31,761	4,797	37,019	2,330	56,238	4,525	5,395	31,202	130,413
1986	6,266	26,949	11,602	26,342	4,349	59,476	4,587	7,023	26,804	119,790
1987	4,977	22,974	9,643	20,889	8,636	54,095	5,275	14,535	28,531	112,493
1988	7,250	17,152	4,879	18,198	11,500	58,017	10,295	14,155	33,924	107,522
1989	5,074	17,230	3,310	15,112	8,957	53,629	7,659	9,375	25,000	99,545
1990	2,422	15,308	3,912	13,533	6,209	52,561	8,184	1,527	20,727	97,229
1991	2,259	14,975	3,760	6,699	7,060	45,403	1,477	506	14,556	68,881
1992	2,181	7,128 (0)	672	4,866 (45)	6,918	36,005 (2,626)	760	12,649 (11,333)	10,531	60,648
Total:	234,354		182,884		121,421		142,381		682,040	

⁷¹ Derived from "UNHCR, Refugees and Displaced Persons from Indo-China in UNHCR-Assisted Camps in Thailand (As of 30 November 1991). Statistics of Indo-Chinese Refugees and Displaced Persons. 1. Overall Situation of Indo-Chinese Refugees in Thailand, 1975-Present," pp. 1-2; and "UNHCR, Resettlement Section. "Statistics Concerning Indo-Chinese in East and South East Asia for the Month of December 1992, Geneva, January 1992. Table II (unnumbered) Numbers in parentheses are "illegal aliens" held in RTGMOI camps.

The Ray Committee

In response to the renewed threat of forced repatriation by the RTG, U.S. Secretary of State George Shultz appointed a panel in September 1985, under the direction of former Iowa governor Robert D. Ray, to investigate the Indochinese refugee problem in Thailand and other countries of first asylum and make recommendations with respect to U.S. policy. The Ray panel visited the refugee camps and border sites in Thailand and proposed that refugees who had been denied resettlement by the United States and other countries in the past should have their cases reviewed so that the number of long-staying refugees, of greatest concern to the Thais, could be reduced.

The panel also recommended that, aside from certain compelling cases, no refugees at the border settlements should be processed for resettlement because most of them apparently wished to return to their country and because the processing itself could "attract them and others to the idea of third country resettlement which could lead to a further build-up of people on the border."⁷² In a later report, the panel recommended that refugee processing be phased out entirely and replaced by normal immigration procedures over a two-year period.⁷³

By mid-1986, resettlement processing for Khmer refugees in Thailand had virtually ended and, with the exception of 4,300 refugees at Khao I Dang, no further processing was planned by the United States, the major source of resettlement opportunities.⁷⁴

⁷² USCR *Refugee Reports*, 7, no. 5 (16 May 1986): 1, 4.

⁷³ *Ibid.*, 7, no. 7 (11 July 1986): 1.

⁷⁴ As of 31 August 1991, the United States has accepted 147,523 Khmer refugees from Thailand, or 64 percent of the overall total of 231,605 Khmer who have

Table 7: Indochinese Refugee Activity⁷⁵
(April 1975 - September 1992)

Country of 1st Asylum	Resettled in USA	Resettled in Other Countries	Voluntary Repatriation	Camp Pop. (9/30/92)
Hong Kong	51,957	73,495	22,967	49,538
Macau	2,427	3,958	0	20
Indonesia	43,145	44,167	3,408	16,330
RPC (Galang)	50,651	4,669	0	0
Malaysia	90,017	105,748	1,410	10,693
Philippines	10,621	21,226	260	7,918
RPC (Bataan)	222,304	6,957	0	8,472
Singapore	5,729	21,127	5	89
Japan	3,069	5,440	0	774
South Korea	8	211	0	0
Taiwan	2	41	0	142
Thailand:				
Khmer-	50,462	79,101	6,165	9,228
Lao-	72,241	49,367	6,722	5,170
Tribes.-	50,731	22,186	4,577	37,006
Viet.-	37,619	48,643	4,489	13,439
RPC (Nakhom Phanon.)	82,017	14	0	2,772
Subtotal:	296,072	199,311	21,953	67,615
Other	15,275	28,718	0	0
Vietnam (air/sea) (1975)	123,000	---	1,547	0
Cambodia-Laos (land) (1975)	12,000			
Vietnam (1977-79)---		263,000 (to China) --		0
Grand Total:	914,277	778,068	51,550	161,591

been resettled from that country. France has accepted 34,204 (15 percent), Canada 16,744, and Australia 16,169; and the balance were accepted by 15 Western European countries, China and Japan. "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand As of 31 December 1991, Statistics of Indo-Chinese Refugees, IVB., Departures to Resettlement Countries," Bangkok, cover page.

⁷⁵ Derived from "Indochinese Refugee Activity, Cumulative Since April 1975," in USCR *Refugee Reports*, 8, no. 12 (31 December 1992): 5; source: U.S. Department of State, Bureau for Refugee Programs.

Note: The Refugee Processing Centers (RPC) are listed separately because they processed refugees from various countries of first asylum who had not been included in those countries' refugee statistics. Some 184,895 of the refugees processed at the Bataan RPC and the Galang RPC originally came to Thailand and are included in the UNHCR statistics for Thailand, used in the other tables of this paper.

As indicated in Table 6, resettlement has averaged only some 5,000 Khmer refugees per year since 1985, with some 12,000 Cambodians remaining in UNHCR camps (almost all in Khao I Dang), at the end of 1991.

As indicated in Table 7 above, during the period 1975-1991, the United States received almost half of all the Indochinese refugees taken out of the first asylum states of Southeast Asia; and it accepted more than half of all the refugees taken out of Thailand.

The Camp Security Issue

As enthusiasm within the international community for continued resettlement of refugees ebbed, concern for the security of the refugees remaining in the camps and border sites increased. In early 1986, Amnesty International issued the first of several reports charging that elements of the Thai armed forces were mistreating refugees in the UNHCR camps and were not providing adequate security for refugees in the border settlements. The most serious of these allegations arose from charges that Task Force 80 personnel had tortured three Cambodians into confessing their involvement in an incident at the Khao I Dang camp during which a Thai ranger was killed.⁷⁶

⁷⁶ USCR *Refugee Reports*, 7, no. 5 (16 May 1986): 5.

In a statement issued on 23 May 1986, the commander of Task Force 80, Colonel Phao Pharsan, categorically denied the "allegations of mistreatment." *Ibid.*, 7, no. 6 (13 June 1986): 6.

In a report issued in February 1987, the New York-based Lawyers Committee for Human Rights documented numerous cases of alleged violence against Cambodian civilians by Thai rangers, Vietnamese soldiers, Khmer bandits, and Khmer guerrillas. Cited in *ibid.*, 7, no. 9 (11 September 1987): 6-7. According to the U.S. Committee for Refugees, 445 cases of violence, over half of which were

Persistent reports of "suicide, rape and murder" among the refugees led to demands in the U.S. Congress that steps be taken to improve security conditions in the camps and sites; and, on October 8, 1987, a measure was added to the State Department authorization bill which provided \$2 million for each of the next two fiscal years "to train and deploy" Royal Thai Army troops to replace currently assigned personnel in providing security for the refugees.⁷⁷ In December, the RTG announced that the Task Force 80 troops would be replaced by a specially trained Displaced Persons Protection Unit by the end of February 1988.⁷⁸

Closing Down Khao I Dang

In December 1986, the head of Thailand's National Security Council, Secretary General Prasong announced that, in light of an alleged increase in "illegal" Khmer asylum seekers entering Thai territory and the sharp slow-down in the rate of refugee resettlement, the major UNHCR camp for Khmer refugees at Khao I Dang would be officially closed as of December 31 and its inhabitants removed to the border sites.⁷⁹ The United States agreed to process

beatings, were reported at Site 2 alone during 1987. *Ibid.*, 7, no. 5 (20 May 1988): 14.

⁷⁷ Several U.S. congressmen drew attention to the plight of the refugees and were moved to action as a result of an article in the *New York Times* of 21 September 1987. Cited in *ibid.*, 8, no. 8 (16 October 1987): 2-3.

⁷⁸ *Ibid.*, 8, no. 12, (18 December 1987): 3.

The new unit was to consist of 560 security personnel, including eighty women, and was assigned responsibility for maintaining security in the camps and eight of the border sites, including five under Khmer Rouge control. *Ibid.*, 9, no. 7 (15 July 1988): 6.

⁷⁹ In a press conference on December 29, Prasong outlined the plan to relocate the residents of Khao I Dang: The first group to be removed would be more the more than 300 "illegal" arrivals who had entered the camp within the previous

for resettlement about 1,000 of the refugees who had come to the camp prior to August 1984; but, in deference to Thai policy, refused processing for any refugees who entered after that date.⁸⁰

By July 1988, the rate of resettlement from Khao I Dang remained low and the RTG responded by announcing that all refugees at the camp who were not accepted for resettlement by August 31 would be transferred to a new facility which had been constructed for newly arrived Vietnamese boat refugees at Ban Thad, just south of the border settlement of Site 2.⁸¹ Following the predictable outcry from the UNHCR and other relief organizations, the RTG agreed to allow the "legal" residents of Khao I Dang to remain in the camp as long as there was a chance they might be resettled. The Thais insisted that some 3,000 "illegals" be transferred to Ban Thad, but agreed that such persons would remain under the protection of the UNHCR.⁸² For its part the United States agreed to review the cases of more than 11,000 refugees at the camp who had been denied resettlement.⁸³ While a few of the refugees were

year. They were to be sent to Site B, a camp with a population of about 40,000, controlled by forces loyal to Prince Sihanouk. Next to be moved would be the so-called "ration card holders," some 7,100 Khmer who had entered Khao I Dang between August 1984 and October 1985. These and other "legal" camp residents were to be given the choice of moving either to Site B or Site 2, a border settlement with a population of 140,000 under the control of the KPNLF. The last to be moved from Khao I Dang were to be the 3,000 "family card holders," who arrived between 1982 and 1984, and about 15,000 of the original residents of the camp who had been there for six years or more. *Ibid.*, 8, no. 1 (23 January 1987): 9-11.

⁸⁰ *Ibid.*, 7, no. 6 (13 June 1986): 6.

⁸¹ *Ibid.*, 9, no. 8 (12 August 1988): 7-8.

⁸² *Ibid.*, 9, no. 12 (16 December 1988): 3.

⁸³ "... According to the International Rescue Committee (the agency responsible for processing refugees for resettlement under a U.S. government contract), all 11,319 previously denied Cambodians were re-interviewed... Of these, the Ethnic Affairs office in the Department of State recommended that 3,036 should be represented to the Immigration and Naturalization Service (INS). INS overturned the

removed from Khao I Dang, most were permitted to remain there and, by the end of 1992, it was the sole UNHCR camp for Khmer refugees, with a population of 7,001.⁸⁴

The Evacuation Site Population

As noted above, the RTG restricted most of the Khmer refugees to the border sites and permitted only a relative few to enter UNHCR camps inside the country. Despite repeated complaints by the UNHCR and other relief agencies, the Thais also refused to permit any of the refugees at the sites to be processed for resettlement, with the exception of special cases involving family reunification.⁸⁵

On June 11, 1985, NSC Secretary General Prasong, announced that there were now "safe areas" inside Cambodia to which all of the Khmer evacuees at the sites could return. The UNBRO and the ICRC protested that the continued presence of Vietnamese troops along the frontier made it unsafe for any significant number

denials of 1,923, or about 24 percent, of rejected Cambodians, sustained 724 of the original denials, and deferred 61." The final review of refugees at Khao I Dang was completed on 31 May 1989. *Ibid.*, 10, no. 8 (31 August 1989): 8; and 11, no. 1 (31 January 1990): 14.

⁸⁴ "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand As of 31 October 1992," (UNHCR: Bangkok).

⁸⁵ In September 1985, the U.S. Immigration and Naturalization Service initiated a special immigration program which would allow Cambodians already living in the United States to petition for family reunification of relatives living at the border sites. By the end of 1988, about 700 people had entered the United States under this initiative. *USCR Refugee Reports*, 9, no. 10 (14 October 1988): 12-13.

In response to U.S. congressional complaints about the prohibition on resettlement processing of residents of the border sites, Robert L. Funseth, senior Deputy Assistant Secretary in the State Department's Bureau for Refugee Programs, noted that "Thailand has the right to determine who is and who is not a refugee." *Ibid.*, 8, no. 3 (20 March 1987): 10.

of the refugees to return to Cambodia; and, in fact, most of the evacuees remained at the sites.⁸⁶

The population of the border sites had fallen to about 250,000 in late 1989, but increased markedly during 1990-91 as a result of recurrent hostilities and food shortages inside Cambodia: More than 300,000 refugees flocked to sites controlled by the two Khmer Serei factions and about 40,000 came to "Site 8," a settlement under Khmer Rouge control about a mile inside Thailand near Aranyaprathet. Tens of thousands of other civilian followers of the Khmer Rouge were reported to be living in settlements on the Khmer side of the frontier.⁸⁷

⁸⁶ In addition to continued border hostilities, it should be noted that the food situation inside Cambodia was extremely serious at this time owing to both widespread drought and flooding during the 1984-85 growing season. Only a few days before NSC Secretary General Prasong made his announcement, the Thais had announced an emergency sale of 1,000 tons of rice seedlings to international relief organizations for planting in Cambodia. *Nation Review*, 13 June 1985; and *Keesing's* (July 1985): 33735.

⁸⁷ William Branigin, "Cambodia's Khmer Rouge Seeking New Political Legitimacy," *Washington Post*, 1 September 1991.

"In a report issued on June 3, 1987, Amnesty International... alleged that thousands of political prisoners had been tortured and detained without trial in Kampuchea since the PRK regime came to power in 1979. In a less publicized section, the report also expressed concern over executions, forced labour and other acts of brutality allegedly practiced by the Khmer Rouges (sic) in refugee camps on the Thai-Kampuchean border under their control." *Keesing's* (June 1988): 35969. For a detailed account of life in the border camps during this period, see Reynell, 44-173.

Early in 1988, UNBRO officials threatened to terminate food aid to four Khmer Rouge border sites, known to harbor guerrillas, unless they were permitted better access to monitor food distribution and other services. The leadership of the sites of Natrao, Borai and Ta Luan complied, but the authorities at Huay Chan, a camp of about 9,000 refugees, refused. On May 1, UNBRO announced that it was suspending food deliveries to Huay Chan; and the French-based relief organization, Operations Handicap Internationale, also withdrew from the site. *USCR Refugee Reports*, 9, no. 6 (24 June 1988): 14. See also *Facts on File* (3 June 1988): 405; and *Keesing's*, 35, no. 4 (1989): 36617.

UNBRO officials estimated that, by early 1991, there were a record number of 333,400 refugees at the border sites and that fighting between the four rival Khmer factions had displaced more than 200,000 Cambodians inside their country. *USCR Refugee Reports*, 12, no 3-4 (March-April 1991): 8.

Beginning in mid-1988, there were recurrent reports from relief officials operating at the border that, as the Vietnamese troops withdrew from border areas, the Khmer Rouge were forcibly removing civilians from sites in Thailand under their control and transferring them to so-called "repatriation villages" and military camps inside Cambodia. While the Khmer Rouge had allowed some 30,000 civilians to move from inaccessible locations along the border to the UNBRO camps of Site K and O'trao, UNBRO officials estimated that they had forced an equal number out of Thailand into areas of Cambodia under their control.⁸⁸

⁸⁸ *Ibid.*, 11, no. 1 (31 January 1990): 6.

During June-December 1988, up to 12,000 civilians were moved from O'trao and 8,000 from Ta Luan. *Ibid.*, 10, no. 1 (27 January 1989) 5-6.

At least 1,500 persons were transferred by the Khmer Rouge from the camps of Khao Din and O'plong Chae, both near Site 8. *Ibid.*, 10, no. 12 (29 December 1989): 2.

During the third week of January 1990, the Khmer Rouge moved more than 4,000 refugees from Borai. Relief workers reported that this move was undertaken in order to thwart U.N. efforts to transfer the population to Site K. *Ibid.*, 11, no. 1 (31 January 1990): 6.

"... It was widely speculated that the Khmers Rouges (sic) used (the refugees) as bearers of supplies and Chinese military hardware into new camps located in deep jungle along the border region for future guerrilla activity. Military analysts reported that the Khmers Rouges had secreted enough weapons and supplies to wage a low-level guerrilla campaign in Kampuchea for two years." *Keesing's*, 35, No. 4 (1988); 36617.

"On March 6 (1990), in what many observers have called a surprising shift in policy, Thai Prime Minister Chatichai Choonhavan proposed that the border camps holding 300,000 Cambodians be closed and the residents moved to neutral camps run by UNHCR. "Relief agencies welcomed the proposal and recommended that Khao I Dang camp be employed for that purpose. A Khmer Rouge official, however, told the *Bangkok Post* that the Khmer Rouge would not participate in the move to neutral camps, prompting fears of additional, large-scale forced relocations of civilians under KR control." *USCR Refugee Reports*, 11, no. 3 (23 March 1990): 11.

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In September 1991, the United States announced that it would increase its annual grant to the two Khmer Serei factions from \$3.5 million to \$10.5. It was clear that this three-fold increase was intended to help the non-communist factions counter the influence of the Khmer Rouge within the CGDK.⁸⁹

The UNHCR Repatriation Program (1992)

The inability of the nineteen member Paris Conference of August 1989 to negotiate an end to hostilities in Cambodia led to the U.N. General Assembly to take up the matter. On November 16, the Assembly approved a resolution calling for the creation of an interim government which would include representatives of the current Phnom Penh regime, the two Khmer Serei factions and the

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⁸⁹ William Branigin, "Cambodia's Khmer Rouge Seeking New Political Legitimacy," *Washington Post*, 1 September 1991.

Khmer Rouge, pending national elections to be held under U.N. auspices.⁹⁰

In January 1990, the U.N. Security Council approved an Australian plan for a large-scale U.N. campaign to bring peace to Cambodia.⁸⁸ While the Khmer Rouge rejected the Australian plan at an informal meeting of the four Khmer factions held in Jakarta in late February, they did not openly dismiss increased U.N. involvement to end the crisis and this was seen by many observers as providing an opening for further negotiations.⁹¹

Peace talks continued in Jakarta in June and finally, on September 10, it was announced that all four Khmer factions had accepted the Security Council plan to end the civil war. According to the plan, the four parties would select a twelve-member Supreme Council which would run the country under U.N. super-vision until free elections could be held. Previously, the two Khmer Serei factions and the Khmer Rouge had insisted that there be equal representation for all four parties to the dispute; now,

⁹⁰ The resolution passed by a vote of 124 to 17, with 12 countries abstaining. This was the largest vote in favor of a Cambodian peace resolution since the United Nations began considering the Cambodian crisis in 1978. *Facts on File* (31 December 1989): 965.

⁸⁸ The Australians proposed a timetable for the holding of elections under U.N. supervision and suggested that 5,500 U.N. peacekeeping forces and 2,000 officials would be required at an estimated cost of U.S.\$987 million over 12 months, increasing to U.S. \$1,300 million over 18 months. *Keesing's* (February 1990): 37249.

⁹¹ *Keesing's* (February 1990): 37249.

Prince Sihanouk announced on Feb. 3 that the CGDK would henceforth be called the "National Government of Cambodia" (NGC): "By renouncing the CGDK label, Sihanouk was effectively distancing the tripartite resistance from the Khmer Rouge "Democratic Kampuchea" regime of the mid- to late 1970s. In an interview on Feb. 4, the Prince said that the Khmer Rouge had finally accepted the change "because they are aware they have become more and more isolated and hated on the international level." *Ibid.*

however, they conceded that the PRK could select six council members and that each of the rebel factions could select two.⁹²

A week before the Jakarta announcement, there were reports that the Khmer Rouge had moved more than 60,000 civilians from sites under its control to "liberation zones" inside Cambodia, where they were cut off from adequate medical treatment and provided little food or shelter. The Khmer Serei factions were reported to have moved thousands of refugees into Cambodia, but these were settled in camps which were more easily supplied with food and medical services.⁹³

On November 25, the United States and other permanent members of the U.N. Security Council completed the final version of the plan which was to go into effect as soon as all four factions had agreed. Negotiations stalled, owing primarily to the fear of the PRK that the proposed U.N. peacekeeping force would be unable to disarm the Khmer Rouge as required by the plan.⁹⁴

In order to further strengthen the position of the two Khmer Serei factions within the CGDK, the United States agreed to increase its annual aid to \$20 million in humanitarian and "non-lethal" military aid. However, in January 1991, all U.S. aid was suspended owing to charges that the non-communists had engaged

⁹² *Facts on File* (14 September 1990): 674.

⁹³ "The Thai government, which had grown weary of the 250,000 Cambodians living in Thailand, had not prevented the population transfers, and had even encouraged them..." *Ibid.*, 675.

"Khmer Rouge leaders Khieu Samphan and Son Sen later denied that further measures were being undertaken to force refugees back into Cambodia, but the international relief agencies providing relief along the Thai-Khmer border remain wary of this possibility." Mary Kay Magistad, "Cambodians Fear Forced To Return Home," *Washington Post*, 21 October 1991.

⁹⁴ *Facts on File* (31 December 1990): 986.

in "tactical military cooperation" with the Khmer Rouge.⁹⁵ At the annual meeting of ASEAN foreign ministers, in Jakarta on July 24-29, several delegates sharply criticized the United States for having withdrawn support for the non-communist rebels and thereby "(setting) back the search for a comprehensive political solution to the Cambodian problem."⁹⁶

Following protracted behind the scenes negotiations brokered by France, Indonesia, and U.N. Secretary General Javier Perez de Cuellar, the four factions finally agreed to accept a cease-fire as the first step toward implementation of the Security Council plan. The cease-fire went into effect on May 2, 1991; and, while there were accusations of violations by both the PRK and rebel forces, Thai military observers reported that there was a "definite lull" in hostilities, with only minor incidents in northern and northwestern Cambodia and no fighting along the border.⁹⁷

On October 19, just a few days before the scheduled signing in Paris of the peace accord, the PRK declared the formal end of more than thirteen years of communism in Cambodia, the establishment of a multi-party representative government and a free market economic system. Thus, in anticipation of the implementation of the U.N. plan, Cambodia became the first of the three

⁹⁵ See *Keesing's* (April 1991): 38150.

⁹⁶ According to a report from a U.S. official who monitors them closely, the Khmer Rouge "has managed to stash more than \$300 million in foreign banks from its timber and gem activities..." William Branigan, "Cambodia's Khmer Rouge Seeking New Political Legitimacy," *Washington Post*, 1 September 1991.

⁹⁷ *Keesing's* (May 1991) 38194-5.

Soviet client states of Indochina to permit the formation of opposition political parties.⁹⁸

Representatives of the nineteen-nation Peace Conference, including all four Khmer factions, reconvened in Paris and signed the agreement (October 23) which formally ended thirteen years of civil war in Cambodia: The four factions were to share power in a Supreme National Council during a transition period of about eighteen months. Prince Sihanouk would be the nominal head of the interim government, but real authority would be wielded by U.N. administrators and a U.N. peacekeeping force of 22,000 men who would monitor and enforce the transition agreement until the various armies were demobilized, over 300,000 refugees were repatriated, and national elections held.⁹⁹

On November 21, 1991, Thailand, the Heng Samrin Government of Cambodia, and the UNHCR signed a memorandum of under-

⁹⁸ Heng Samrin, the President of the ruling Kampuchean People's Revolutionary Party, was moved to the ceremonial post of honorary President and the party was renamed the Cambodian Peoples Party (CPP) and placed under the leadership of Chea Sim, the head of the PRK National Assembly. Prime Minister Hun Sen became Vice President of the newly formed party. Chea Sim declared at the closing of the congress establishing the CPP that the party would pursue "a democratic and free political system, a multi-party system with three centers of power... the legislative, the executive and the tribunal, with a president and National Assembly elected by the people through universal suffrage." *Washington Post*, 19 October 1991.

⁹⁹ *Washington Post*, 24 October 1991.

"A U.N. advance mission of 268 people will head to Cambodia to monitor the cease-fire... They will also prepare mine removal operations.

"In March (1992), several thousand U.N. troops will be sent as the first major peace-keeping contingent. Up to 70 percent of the military forces now operating among the various factions will be disarmed and demobilized, with the remaining 30 percent sent to their barracks...

"While no date was set, elections (were) expected to be held in March of 1993 if the truce can be sustained." "Cambodian Peace Pact is Signed" by William Drozdiak, *Washington Post*, 24 October 1991.

standing whereby the parties "agreed that the repatriation of Cambodian refugees and displaced persons under U.N. auspices shall take place only when there exists conditions conducive to the safe transportation and return in safety and dignity to places of final destination of the returnees destination of the returnees." The UNHCR then devised a plan to transport at least 330,000 refugees from seven border camps in Thailand to six reception centers in Cambodia, located in Sisophon, Siem Reap, Pursat, and Phnom Penh. Those refugees volunteering to participate in the plan were to be offered either land and a small subsidy or a cash payment in order to facilitate their reintegration into Cambodian society; and so far, about 90 percent of the returnees have chosen the cash option.¹⁰⁰

On March 20, 1992, the first repatriation convoy took 525 Khmer into Sisophon province, under the authority of the newly formed U.N. Transitional Authority in Cambodia (UNTAC). Soon afterward, the Khmer Rouge reneged on their commitments under the Paris agreement: They refused to give up their weapons or to participate in the national elections scheduled for May 1993 until the Heng Samrin Government has been dismantled and there was verification that all Vietnamese troops have been evacuated from Cambodia.

The opposition of the Khmer Rouge and the outbreak of sporadic clashes between the Khmer Rouge, the Khmer Serei, and government troops did not seriously impede the repatriation program: .By the end of February 1993, over 310,000, or almost all

¹⁰⁰ USCR *Refugee Reports*, 13, no. 11 (29 November 1992): 7, 3. See also *Keesing's* (November 1991): 38574.

of the Khmer refugees in the border camps had been returned to their country.¹⁰¹

¹⁰¹ USCR *Refugee Reports*, 14, no. 2 (26 February 1993): 9.

Chapter XII: Thai Refugee Politics - Review and Analysis

During the waning years of the Vietnam War, as it became increasingly clear that the United States was abandoning its commitment to the struggle against the spread of communism in Indochina, Thailand and other nations of Southeast Asia were obliged to reassess the policies upon which they had relied for their security since the end of World War II. With the communist take-overs of South Vietnam, Cambodia, and Laos during the spring of 1975, the Thais found themselves for the first time on the front line of the Cold War; and, as they struggled to cope with the new realities of power confronting them and the other non-communist states in the region, their efforts were to be complicated by the influx of unprecedented numbers of refugees fleeing from the newly established communist regimes.

Each ethnic group of refugees posed a special set of problems for Thailand's policy planners and it is within the context of their perception of the challenges posed by the new order in the region that their responses to these problems should be viewed. The fact that the RTG did not regard itself as bound to observe the provisions the U.N. Convention of 1951 and Protocol (1967) Relating to the Status of Refugees, the definitive international legal instrument concerning the definition and treatment of refugees, has given Thai policy planners a freedom of action in dealing with refugees that they would not otherwise have had. The question to consider

is whether or not the Thais could have achieved their basic national goals if their freedom of action had been constrained by the obligations defined in these instruments.

The Vietnamese Refugees and the Quest for Normalization

Aside from the relatively limited migration of Khmer to Vietnam during the Pol Pot regime, most of the Khmer, Laotian and Vietnamese "land" refugees chose Thailand as their country of first asylum. The Vietnamese migration by sea, on the other hand, was truly international in scope, as the boat people made their way to the shores of almost a dozen Southeast Asian countries. Owing to Thailand's proximity to the newly established communist regimes, however, the increasing numbers of incoming refugees from Vietnam was to be of greater concern to her than it was to other countries in the region.

As we have noted, soon after the fall of Saigon in April 1975, the RTG, under the civilian government of Kukrit, moved quickly to distance itself from its longstanding military ties with the United States in order to normalize relations with the victorious North Vietnamese as quickly as possible. However, the rapid successes of the militant communist movements in neighboring Cambodia and Laos, with the support of the Vietnamese and their Soviet patron, gave rise to an intense anxiety among the Thais and led to sporadic demonstrations against the continued presence of tens of thousands of "old" Vietnamese refugees in the northeastern provinces of Thailand, which adversely affected the normalization process.

Reports of large-scale military operations by Vietnamese troops against dissident elements in Laos served to further heighten fears and enmity against the Vietnamese; and this was one of the primary factors which led to the military coup of October 1976 and the installation of the conservative, anti-communist government of Thanin. It was within this climate of insecurity that the Thais were obliged to cope with the arrival of the first substantial wave of ethnic Vietnamese boat people.

While the RTG wanted to bar entry to all asylum seekers from Indochina, regardless of their origin, the arrival of a steadily increasing number of Vietnamese in Thailand's territorial waters came to be regarded as posing an especially serious threat to the country's interests: Not only could the presence of the Vietnamese be used as a pretext for aggression by the militarily powerful Hanoi regime, but there was an added danger that large numbers of the incoming refugees might not be accepted by the United States and other countries offering resettlement opportunities and that they would remain in Thailand indefinitely as an unassimilable minority, as had been the case with the refugees from the French Indochina era.

Notwithstanding the directives of the central authorities in Bangkok, an average of 5,000 boat people managed to get past Thai naval and police patrols and arrive on Thai territory each year during the period, 1975 through 1977. While this was much fewer than the numbers coming to Malaysia and Hong Kong, the Thais reacted to what they perceived as a serious threat to their security and social homogeneity by pressuring the United States and other

resettlement countries to place the highest priority on taking Vietnamese out of their country as rapidly as possible. The Thai authorities agreed to permit the UNHCR to channel internationally funded relief to the Vietnamese and other Indochinese refugees, pending their resettlement or repatriation, but insisted in their 1977 agreement with the U.N. agency that rigorous screening procedures be established to discourage additional arrivals.

General Kriangsak, who replaced Thanin in the coup of October 1977, pledged to foster better relations with Thailand's neighbors and succeeded in establishing formal diplomatic and commercial ties with Hanoi. It soon became painfully evident, however, that the continued influx of new Vietnamese refugees was rendering moot his attempt to negotiate the repatriation of "old" refugees and the negotiations soon became deadlocked.

Following Vietnam's invasion and occupation of Cambodia, the presence of ever increasing numbers of Vietnamese asylum seekers entering Thailand by sea or overland from Cambodia became a matter of even graver concern and served to harden Thai policy. While the pledges of increased financial aid and resettlement quotas offered at the Geneva Conference of July 1979 alleviated many of the concerns of Thailand and other countries of first asylum, the net increase in Vietnamese in the UNHCR camps by the end of 1980 prompted the Thais to follow the lead of Malaysia and re-introduce for a time their original policy of pushing back all refugee boats found in their territorial waters.

The policies of "humane deterrence" imposed by Thailand and other Southeast Asian nations, along with the Orderly Departure

Program which permitted a significant number of disaffected people to legally emigrate from Vietnam, undoubtedly had the effect of reducing the number of potential refugees who chose to risk their lives at sea. Nevertheless, in retrospect, it seems clear that the dramatic decline in boat people arrivals during the period, 1982 through 1986, was far more the result of Hanoi's decision to impose a "moratorium" on its clandestine promotion of the refugee exodus and expanding its control over unauthorized departures. This was demonstrated by the fact that when Vietnam presumably ended the moratorium and reduced its surveillance with respect to unauthorized departures, the number of boat people arrivals throughout Southeast Asia increased from 19,500 in 1986, to 28,000 in 1987, to 45,500 in 1988, and to a high of over 71,000 during 1989.¹

It was one of the bitter ironies of this period that the surge in boat refugees occurred just as Thailand was achieving success in her internationally-funded campaign to suppress piracy in the northern coastal waters of the Gulf of Thailand, making these waters one of the preferred area of passage: More than 11,000 boat people made their way to Thailand during 1987, the largest number arriving in any country of first asylum that year, with the result that Thailand experienced a net gain of 7,000 Vietnamese and more than a doubling of the number of boat people held in UNHCR camps on her territory.

At the same time that the RTG was considering how to cope with the unanticipated increase in the number of Vietnamese

¹ See Table 1, pg. 133.

refugees, Thai forces were engaging in hostilities with Vietnamese-PRK forces on the Khmer border and with LPDR forces in disputed areas on the Laotian border. The outbreak of these hostilities was undoubtedly one of the reasons for the extremely harsh policy towards the boat people which the RTG adopted in December 1987: Not only was the pushback policy reimposed, but severe penalties were to be exacted on Thais who assisted "illegal immigrants" and the UNHCR was proscribed from aiding refugees known to be stranded on barren islands in the Gulf.

As had been the case in the past when the RTG had decided to impose measures to prevent boat people from gaining asylum on Thai territory, the outcry from the UNHCR, the United States, and other members of the international community eventually forced the Thais to back down. On this occasion, they agreed (April 1988) to permit temporary asylum for all incoming boat people in Thai territorial waters, but with the proviso that all such people would be detained in an austere camp, Site 2, where they would be denied the possibility of resettlement in order to discourage additional arrivals. The imposition by the Thais of onerous and very slow screening procedures, sanctioned by the Comprehensive Plan of Action, which had been agreed upon at the Geneva Conference of June 1989, also served to discourage boat people from choosing to come to Thailand.

From the very beginning of the boat people migration, Thailand and the other countries of first asylum found themselves caught in the grip of a dilemma: The more hospitable they were to the refugees, the more likely other Vietnamese would be encouraged

to flee their homeland. On the other hand, the harsher the treatment of incoming refugees, as in the case of Malaysia's pushback policy and Hong Kong's one-time experiment in forced repatriation, the more criticism and pressure from other members of the international community to conform to humanitarian norms. Regardless of the various policies which were imposed at one time or another to deter the boat people, by the end of 1992, some 100,350 were being held in camps throughout Southeast Asia, including almost 11,000 in Thailand.²

Consideration of the Thesis - The Vietnamese Refugees

Had Thailand alone among the countries of first asylum agreed to conform to the provision of the U.N. Convention and Protocol, it is quite likely that she would have replaced Malaysia and Hong Kong as the preferred haven for the overwhelming majority of the boat people, particularly after the anti-piracy campaign had succeeded in making passage through the northern region of the Gulf of Thailand much safer.

In such a case, assuming that the overall number of migrants remained constant and the overall rate of resettlement or repatriation remained roughly the same as it actually was, Thailand would quite likely have been left with a residual population of

² According to the UNHCR, as of 31 July 1992, of the total number of boat people in camps throughout the region, 12,069 had been designated as refugees eligible for resettlement, 35,847 had been screened out, and 52,433 were awaiting screening.

As of the same date, 10,483 boat people were being held in Thailand, including 673 with refugee status, 2,706 who had been screened out, and 7,104 who were awaiting screening. Office of the United Nations High Commissioner for Refugees, 31 July 1992, "Regional Total," (unnumbered).

boat people several times as large as the number of such people on Thai soil at the end of 1992. Even such a substantial increase in the boat people population as this need not necessarily have had much of an impact on the domestic stability or long-term security interests of Thailand - so long as there were a commensurate increase in the level of international financial assistance for the care of the refugees and Thai politicians and other opinion-makers chose not to attempt to inflame public opinion over the matter.

Had the boat people been provided unrestricted access for temporary asylum in Thailand and other countries of the region and had been granted the *right to refuse repatriation*, under a commonly accepted norm of international law, it is quite possible that several hundreds of thousands more Vietnamese would have been prompted to flee their homeland, "pushed" by political repression or economic hardship or "pulled" by the prospect of joining relatives or friends who were enjoying the opportunities of life in a western industrial society.

As in the case of Laos, the dire economic and social consequences of a much more rapid loss of manpower during the early years of the ethnic Vietnamese migration (as distinguished from the even earlier period of the forced migration of Sino-Vietnamese) might have induced the Vietnamese government to staunch the refugee flow much earlier than it did. On the other hand, the presence of hundreds of thousands of Vietnamese refugees in Thailand and other countries of first asylum might also have induced "compassion fatigue" on the part of the United States and other countries offering resettlement opportunities much

earlier in the migration, leaving perhaps 200,000 to 300,000 Vietnamese stranded in UNHCR camps and dependent on an internationally-funded dole for the indefinite future.

Rightly or wrongly, Thai policy planners have tended to regard the boat people (as well as the "old Vietnamese refugees) as constituting, at best, a factor which has seriously complicated their relations with the militant communist regime in Hanoi or, at worst, a long-term threat to their country's domestic stability and security. Given this perspective, they are hardly likely to discard their traditional refugee policy, which enables them to maintain maximum discretion over the status and treatment of all asylum seekers, in favor of international legal obligations which almost certainly would have ensured an ever-increasing population of Vietnamese on their soil for an extended period. Such a prospect is hardly likely to engender acceptance of the obligations of the U.N. Covenant and Protocol on the part of Thailand or any of the other nations of the region which heretofore have declined to accept them.

Laotian Refugees and the Restoration of Thai Hegemony

Even before the Pathet Lao, with the support of their Vietnamese allies, had succeeded in gaining control over all of Laos, the leaders of Thailand initiated a long-term policy of quiet diplomacy designed to displace Vietnam's influence and normalize relations with the new regime in Vientiane as rapidly as possible. The Thais seemed convinced that the Lao and the Vietnamese were culturally incompatible and that, given sufficient time, relations between

them would sour. They also believed that economic, geopolitical and cultural realities would sooner or later enable Thailand to regain her traditional hegemonic role in Laotian affairs.

While this long-term policy made a great deal of sense in the context of the perspective of the central authorities in Bangkok, it was far less appealing to Thai officials in the provinces bordering Laos, many of whom had very strong familial or commercial ties with the very Lao who were being systematically dispossessed by the communists. Nor was this low-keyed policy likely to appeal to those military commanders who were concerned with the threat posed by the Vietnamese military presence in Laos and the possibility that Vientiane would channel military supplies to Thailand's own communist insurgency in the border provinces.

Despite repeated assurances that the RTG would not permit Laotians on Thai territory to engage in subversive activities against the Laotian communist regime, there were persistent reports that local Thai officials and military commanders were providing covert support to rebel elements inside Laos; and this undoubtedly was a major cause of the recurrent hostilities along the Thai-Laotian border. It was only after the accession to power of General Kriangsak, following the coup of October 1977, that the provincial authorities were forced to break their ties with the rebels, in line with the renewed policy of normalization.

While the Thais were not much concerned that the militantly nationalistic Pathet Lao would countenance the colonization of their country by Vietnamese, there was serious concern that the outflow of most of the educated elite of the nation would make the

Laotian government heavily dependent on Vietnamese advisers and, as a consequence, prolong the process of normalization with Thailand. The mere gathering of large numbers of disaffected Laotians on Thai soil was also likely to be regarded by the Laotian authorities as a unfriendly act which posed a threat to the stability of their regime; and this too might impede normalization.

General Kriangsak moved quickly to ensure that an influx of refugees from Laos would not unduly complicate the process of coming to terms with the LPDR: Border controls were tightened and, in at least one case, some 300 Laotian asylum seekers already on Thai soil were forcibly repatriated - only a few weeks after Vietnamese and LPDR forces had massacred many thousands of Hmong soldiers and their dependents.

The severe measures undertaken to prevent the growth of the Laotian refugee population in Thailand evoked a predictable protest from the UNHCR and several friendly countries, most notably, the United States, which remained one of Thailand's most important sources of economic aid and investment and her primary source of military supplies. The RTG responded by reaffirming its 1977 pledge not to expel those persons who managed to arrive on Thai territory, but it never explicitly accepted the obligation of permitting asylum seekers to enter the country.

In any case, as noted above, 1978-79 marked the most critical period of the refugee migration from Laos: Thai border patrols were simply unable to prevent the entry of 200,000 Lao, Hmong and other tribespeople, fleeing from the ravages of large-

scale military operations by the Pathet Lao and their Vietnamese allies.

In response to this dramatic increase in refugees (many of whom were never registered by either the Thais or the UNHCR), the RTG demanded that the United States and other countries offering resettlement opportunities accelerate the rate of resettlement out of Thailand: The result was that the number of resettled Lao increased from about 10,400 in 1978 to 26,000 in 1979 and a record high of over 46,000 in 1980. Similarly, the number of resettled tribespeople increased from about 5,400 in 1978 to 13,300 in 1979 and a record high of almost 29,000 in 1980.

The Kriangsak Government resolved to do its utmost to prevent this unprecedented influx of refugees from jeopardizing the process of normalization: It reaffirmed a prior pledge of non-interference in Laotian affairs, expanded trade and other exchanges between the two nations, and agreed to cooperate closely with Laotian security forces in preventing refugees from entering Thailand.

Following the replacement of Kriangsak by General Prem. in March 1980, the RTG appeared to have weakened its resolve to pursue normalization: By the tacit acquiescence or design of the central authorities, provincial officials resumed their support of rebel elements which were engaging in guerrilla forays across the Thai-Laotian border. Thus was initiated another round of sporadic hostilities, as well as a series of border closings which served to underscore the heavy dependence of Laos on trade with Thailand.

Notwithstanding the high number of Lao and tribespeople who had been resettled out of Thailand during 1980, the number

of voluntary repatriations among both groups remained miniscule; and refugee arrivals and births in the camps combined to result in camp populations of almost 51,000 Lao and 54,000 tribespeople by year's end. Alarmed by the possibility that Thailand might be burdened with permanent refugee populations of such magnitudes, the Prem Government introduced "humane deterrence," a policy which was to discourage potential asylum seekers by holding all new arrivals in austere facilities and denying them the possibility of resettlement.

The new policy of deterrence coincided with improved economic and political conditions in Laos and, as a consequence, there was a sharp decline in the number of Lao arrivals, from about 16,300 in 1981 to 3,200 in 1982 and 4,600 in 1983. The number of Hmong and other tribespeople arrivals also declined markedly from almost 15,000 in 1980 to about 4,400 in 1981, to fewer than 2,000 in 1982, and almost 3,000 in 1983.

Along with the low rate of resettlement and the practically negligible rate of repatriation, two other factors worked to cause the camp population of the tribespeople to stabilize at over 50,000 during almost every year since the migration began:

- 1) A phenomenal birth rate and a low mortality rate, resulting from the hygienic conditions, stable food supply, and the security offered in the camps, gave rise to a net natural increase of over

2,000 tribespeople each year;³ and 2) the Thai security forces periodically rounded up for detention in the camps thousands of "illegal aliens" who had managed to enter Thailand by evading border patrols.

Following the peak of resettlement of tribespeople during 1980, when almost 29,000 were taken out of Thailand, many of the refugees, including even some who had been approved for resettlement, declined to leave the UNHCR camps so as not to forsake the possibility of eventually returning to their tribal lands in Laos. Many of their kinsmen in Laos were still engaged in guerrilla operations against the Vientiane government and, as long as hostilities continued, no significant number of these refugees could be repatriated. While the population of tribespeople in the camps remained stable, there was a steady decline in the camp population of Lao, from about 5,100 in 1980 to just over 21,000 by the end of 1983, as a result of "humane deterrence" and a high annual rate of resettlement. This trend influenced the RTG to accede to the pleas of the United States and the UNHCR to modify "humane deterrence" so that some of the newer arrivals would be permitted to be processed for resettlement.

Unfortunately, the liberalization of Thai policy coincided with the imposition of new taxes and military conscription by the LPDR, with the result that the RTG was once again challenged by a dramatic increase in the number of Lao fleeing into Thailand: Lao arrivals during 1984 totalled over 14,000, a three-fold increase over

³ During the period, 1983-85, the number of births among tribespeople in the camps actually exceeded the number of those resettled out of Thailand. See Table 4, pg. 221.

the total for the previous year, and new arrivals during 1985 totalled over 13,000. The number of tribespeople arrivals also increased from just under 3,000 in 1983 to over 3,600 in 1984, but dropped sharply to fewer than 1,000 in 1985.

To reverse the trend toward an increased camp population of Lao, the Thais resorted once again to the policy of turning asylum seekers back at the border; and once again there was a predictable outcry from the UNHCR, the United States and other members of the international community. By mid-1985, the RTG had been obliged to reaffirm its 1977 commitment to permit entry to incoming asylum seekers, but it succeeded in imposing stringent screening procedures which might serve to deter potential refugees from coming to Thailand.

Beginning in March 1984, hostilities between Thai and Laotian forces became extremely serious as each side struggled to gain control over disputed territories along the border. Sporadic clashes continued until the launching of the major Thai offensive, "Operation Soi Dao" in February 1988, which ended inconclusively and prompted both sides to agree to settle their conflicting claims by means of negotiations. This settlement ended the last major controversy between the two countries and allowed the process of rapprochement to accelerate to such an extent that Thailand was soon able to fully regain her position of economic and cultural primacy in Laos.

Improved economic and political conditions in Laos during 1986, along with the deterrent effect of the new screening procedures, resulted in another period of decline in the number of Lao

seeking entry into Thailand. This decline, the relatively low birth rate among the Lao (compared to that of the tribespeople), and a high rate of resettlement led to the reduction of the camp population of Lao to a very manageable 4,900 by the end of 1992.⁴

Owing to the problems it has experienced in attempting to integrate Thailand's own tribal minorities into the national economy and society, the RTG was clearly unwilling to allow the Laotian tribespeople to settle in Thailand for an indeterminate period, as had been done with the "old" Vietnamese refugee community. Yet the government also was unwilling to risk the opprobrium which would most likely result from the forced repatriation of people whose kinsmen were still caught up in a civil war. So the Thais focused on the only feasible alternative left to them - they would crowd the refugees into fewer and fewer camps under more austere conditions in order to pressure them into opting for resettlement or repatriation.

The lack of success of this policy may be seen in the fact that by the end of 1992, some 36,000 tribespeople were still being held in camps in Thailand and over 2,600 detained as "illegal aliens."⁵ Thus, as Thai policy planners had anticipated at the onset of the refugee migration, of all the Indochinese refugees, the Hmong and other tribespeople were to pose the most intractable long-term problem for Thailand.

⁴ According to the UNHCR, 4,549 of the Lao were at Ban Napho, 488 at Phanat Nikhom, and 11 at Nong Saeng. In addition, 100 were being held in detention at Nong Saeng as "illegal aliens." "UNHCR, Indo-Chinese Refugees and Asylum Seekers in Thailand As of 31 October 1992," (cover page).

⁵ See Table 4, pg. 221.

Consideration of the Thesis - The Laotian Refugees

Since the beginning of the migration of refugees from Indochina, more than 200,000 Lao and 136,000 Laotian tribespeople have fled their homes and entered camps in Thailand. Had the RTG accorded Laotians the protection defined by the U.N. Convention and Protocol, there can be little doubt that many, if not most of the intellectual and commercial elite of the Lao would have fled from the political uncertainties and abysmal economic conditions of life under the Pathet Lao to seek at least temporary sanctuary in Thailand. The RTG also would have been obliged to accept a substantial number of the estimated 500,000 tribespeople of Laos, particularly non-combattants who had fled from Pathet Lao and Vietnamese military operations in tribal areas, instead of turning them back at the border or forcibly delivering them to their foes.

Since the Laotian government was quite likely to regard any attempt to flee the country, *ipso facto*, as evidence of disloyalty, if not treason, a great many of the Lao and tribespeople would have been able to maintain that they would be subjected to persecution as "class enemies" by the communist regime should they return to their homeland. On the basis of these considerations, it is reasonable to conclude that Thais could easily have had at least two or three times the number of asylum seekers from Laos on their territory than they actually received and that a great many of these people would qualify as refugees.

Such a population outflow could not fail to result in severe damage to the Laotian economy, make the country more dependent on the Vietnam (and the Soviet Union) and, as a consequence, seriously impede the process of normalization which, as we have noted, was a primary objective of Thai policy towards Laos since the inception of the communist take-over of that country.

There is no reason to assume that a substantial increase in the number of Laotian refugees would *necessarily* have induced the United States and other countries to offer resettlement opportunities commensurate with that increase; and, even if substantial increases in resettlement quotas were forthcoming, it is likely that many of the more rustic Lao and tribespeople would be screened out as non-refugees and left to languish in camps until such time as they agreed to repatriation.

The political considerations arising from the presence of Lao and Laotian tribespeople on Thai soil were different from those relating to the Khmer asylum seekers, but, from the point of view of Thai policy planners, the differences were only marginal: The RTG had a legitimate concern that the unchecked flight of Laotians into Thailand might serve Vietnam's strategic interests in Laos, particularly at a time when Vietnamese troops were engaging in operations in the central provinces of that country. Of course, the issue of depopulation became of much less concern by the fall of 1978, when the Vietnamese forces were withdrawn to the north-western border of Laos to counter the threat from China.

As for the concern that the refugees might complicate and delay the process of normalization, we should note that the refugees

- regardless of their numbers - *could not possibly have affected Thai-Laotian relations more adversely than did the intermittent hostilities which occurred along the border between the two nations during most of the period under study.* Had the objective of achieving a rapprochement been the overriding concern of the Thais, it is likely that the RTG would have ended these hostilities by agreeing to negotiations much earlier than it did. Given the territorial dispute between the two countries, the presence of even a much greater number of Laotian refugees on Thai soil was not likely to have had a significant impact on relations between Thailand and Laos.

It should also be noted that had a much more substantial number of Lao fled their country during the early years of the migration, the LPDR might have been induced to modify its economic and social policies much earlier than it did; and, with an earlier amelioration of conditions within Laos, many, if not most of even a greatly expanded population of Lao asylum seekers would have been likely to opt for repatriation, particularly if their return were to be facilitated by means of international financial assistance provided under the auspices of the UNHCR.⁶

⁶ It is also conceivable that, given the cultural affinity which exists between the Lao and the Thai, at least some of the Lao asylum seekers who refused or were unaccepted for resettlement and who were, for one reason or another, unwilling to return to their homeland, might eventually be permitted to settle permanently in Thailand. Indeed, as has been noted above, (fn. #31, p. 234), an estimated 50,000 Laotians who entered Thailand clandestinely have already been effectively integrated into the society of the nation.

No similar affinity exists between the Laotian tribespeople and the Thais; and, given the difficulties the RTG has encountered in dealing with Thailand's own Hmong and other tribal minorities, it is unlikely that the Thais would allow a sizeable number of Hmong asylum seekers to settle permanently in Thailand.

While any liberalization of Thailand's policy was likely to have resulted in a substantial increase in the number of tribespeople seeking sanctuary, the tribal leaders of the Hmong would probably have prevented a mass flight of their people, which, for obvious reasons, would seriously weaken their ability to pursue the insurrection against the LPDR. On the other hand, even if the number of Hmong and other tribespeople on Thai soil were to increase substantially, most, if not all of these people could be expected to obey their tribal leaders and return home once the insurrection had come to an end. The residual population of Hmong, fearful of returning to their homeland and weary of life in the crowded camps, could be expected to choose resettlement abroad.

Like any other government, the RTG could be expected to be wary of allowing on its territory for an indefinite period a substantial number of aliens, regardless of their nationality or ethnic identity and the economic benefits which might accrue from large-scale relief operations financed from abroad. However, so long as adequate international support was assured, Thailand could easily have accommodated several times the number of a Lao and Laotian tribespeople which she actually received. Any domestic political concern which might arise from the presence of a much larger population of asylum seekers might be allayed by a substantial increase in foreign development assistance to Thai villages in the border areas, under the "Affected

Thai Village" Program.⁷ The Thais' concern should also have been assuaged by the realization that they and their allies could eventually use their dominant economic and diplomatic influence in Laos to ensure that the LPDR would permit the repatriation of all asylum seekers once the international community had determined that they could return in safety.

As in the case of the Khmer refugees, the Thai government could be presumed to want to retain the maximum freedom of action should the situation in Laos change for the worse. It is precisely this desire to avoid unnecessary complications and to keep all options open in dealing with a neighboring state - a state which has been experiencing severe political and economic turmoil for almost two decades - that has made the RTG unwilling to be bound by the provisions of the U.N. Covenant and Protocol in its treatment of the Laotian refugees.

The Khmer Refugees and Thai Security Concerns

We have noted that, as the Khmer Rouge extended their control over all of Cambodia during the spring of 1975, Thailand's leaders moved quickly to establish normal relations with the new regime in Phnom Penh. The primary objective of the Thais was to ensure that, regardless of the vicissitudes which may befall the Khmer people, Cambodia would once again serve as a buffer between Thailand and Vietnam, as it had in past centuries.

⁷ For a discussion of the early phase of this program, see above, pp. 308-309.

Thus it was that even after the outbreak of sporadic clashes along the border between Thai security forces and Khmer Rouge troops, involving refugees and anti-communist guerrillas, the RTG persisted in its attempt to come to terms with Cambodia's new rulers. It was only after the coup of October 1976, which led to the establishment of the hard-line government of Thanin, that the Thai government put relations with Cambodia and Vietnam temporarily put on hold as it struggled to suppress domestic opposition groups. It was at this time that the Khmer Rouge initiated cross border terrorist attacks in support of territorial claims, which were to cost the lives of hundreds of Thai villagers and security personnel during the next two years.

The replacement of Thanin by General Kriangsak, following the coup of October 1977, signalled a return to the policy of seeking a rapprochement with the neighboring communist regimes. Soon after the new government had been installed, Thai provincial authorities forcibly repatriated twenty-six Khmer, apparently in an effort to curry favor with the Pol Pot regime.

Thailand's policy of seeking an accommodation with the communists was subjected to serious strains as the Khmer Rouge campaign of raids and kidnappings continued to terrorize Thai villages in border areas. While retaliation was threatened for the most glaring atrocities, such threats were never carried out and most Thai officials tended to downplay or ignore the complicity of Phnom Penh in terrorist acts by assigning blame to Thai communist guerrillas or unruly local Khmer Rouge commanders. It was only after the Vietnamese began to retaliate for similar raids on their territory and

occupy areas in eastern Cambodia that the Khmer Rouge authorities finally agreed to enter into normal diplomatic and commercial relations with Thailand; and the number of terrorist incidents along the Thai-Khmer frontier decreased markedly thereafter.

From the beginning of the Khmer refugee migration in 1975, Thai security forces attempted to follow the official policy of the central RTG authorities, which was to prevent Khmer civilians and soldiers of the previous regime from crossing the border. Nevertheless, as we have noted, during the first year of the migration, some 17,000 Khmer managed to gain admission to UNHCR camps which had been established on Thai territory. An additional 6,500 were granted sanctuary in the camps during 1976 and about 7,000 in 1977. By the fall of 1977, however, the Khmer Rouge had established a security zone along the border; and the number of refugee arrivals declined to about 3,500 during 1978. Almost 19,000 Khmer were resettled during 1975-78, leaving a refugee population of just over 15,000, along with 8,000 Khmer who had been arrested and detained as "illegal aliens."

The Vietnamese invasion and occupation of Cambodia, beginning in the fall of 1978, was regarded by the leaders of Thailand as posing the gravest threat to their country's security since the Japanese occupation of most of Southeast Asia during the Second World War. While in retrospect, it can be argued that the Vietnamese and their Soviet patrons never seriously contemplated an invasion of Thailand, the Thais and their allies can be forgiven for fearing the possibility of such an invasion at that time and this fear could not

fail to have an effect on Thai policy toward the Khmer and other Indochinese who were seeking sanctuary on Thai soil.⁸

In response to the threat now posed by Vietnam, military supplies were readily forthcoming from the United States and other friendly nations and the Thais received maximum diplomatic support from the United States, the ASEAN allies, and several other members of the international community. Thailand's most effective ally during this period, however, proved to be China: By invading northern Vietnam during February-March 1979, the Chinese provided an eloquent lesson to the Vietnamese of the risks inherent in their continued occupation of Cambodia and forced them to position the bulk of their military near the Sino-Vietnamese frontier. In exchange for Chinese military and diplomatic support, the Thais secretly agreed to allow their territory to serve as an entrepot for Chinese military supplies to the remnants of the Khmer Rouge army in the mountains of western Cambodia.

At the initial stage of the migration, Thai security forces did their utmost to uphold the official policy of denying entry to all asylum seekers and forcing back tens of thousands of Khmer Rouge soldiers and civilians who had managed to enter Thai territory. The RTG also forbade international relief agencies from providing assist-

⁸ One proof of Vietnam's intentions during the occupation of Cambodia is the absence of a single reported instance of Vietnamese-sponsored terrorism or sabotage in the interior of Thailand. It would have been a relatively simple and inexpensive matter for the Vietnamese to cause chaos in any of the major population centers of the country and thereby bring economic activity in the country to a standstill. The fact that this was never attempted indicates that neither the Vietnamese nor the Soviets wished to risk enlarging the area of conflict in Southeast Asia and thereby provoke the United States and her allies and China to become even more involved in providing material and diplomatic support for the Thais than they already were.

ance across the Thai-Khmer border, apparently so as not to encourage more refugees to flock to border areas. Eventually, however, the Thai government acceded to the pleas of U.N. Secretary General Waldheim and accepted the pledge of a substantial program of relief assistance, supported by fifty-one nations. The Thais agreed to permit cross-border relief operations and, in light of promises by the United States and other friendly nations of increased resettlement quotas, also withdrew a threat to forcibly repatriate refugees already on Thai soil. After securing these concessions, the international relief agencies were also able to get permission from the RTG to undertake preparations to cope with an anticipated flood of Khmer refugees who were expected to seek sanctuary in Thailand as a result of the intensification of military operations by Vietnamese and PRK forces in the western provinces of Cambodia. For their part, the Thais undertook to set up a new regime for the thousands of Khmer already at the border, which might serve the security interests of Thailand: They covertly assisted the Khmer Rouge and Khmer Serei guerrillas to establish a series of fourteen settlements on the Khmer side of the frontier, where the overwhelming majority of the refugees would be held, and provided shelter, food, water and medical services under the auspices of the international agencies of the Joint Mission.

The border settlements were to be of great value to Thailand in several respects: 1) Though the refugees were living on what was technically Khmer territory, they were almost completely dependent on water, food and other supplies obtained in Thailand; thus, while the refugees were denied a safe haven on Thai territory,

the Thais could nevertheless claim a measure of credit for cooperating in what quickly became a major international relief effort; 2) the infusion of foreign funds for the purchase of goods and services for use in the relief effort would greatly benefit Thailand's economy, particularly in chronically depressed regions along the Thai-Khmer frontier; 3) the mere presence at the border of the refugees and the personnel of prestigious relief agencies might serve Thailand as a "human buffer" against possible Vietnamese aggression; and, 4) perhaps most important of all for Thailand's long-term security concerns, the border settlements would serve as a ready-made pool of guerrilla recruits who could be trained, supplied and encouraged to raid deep inside Cambodia, making the occupation of that country more onerous for the Vietnamese, without running the risk of a direct confrontation between Thai and Vietnamese forces.

Once the border settlements had been established, the Joint Mission obtained permission from the RTG to launch the "Landbridge Program" to provide rice seed and other agricultural commodities along the border as part of a long-term program to increase food production throughout Cambodia. The Thais agreed to the Program because any increase in food production in Cambodia would tend to reduce the number of Khmer flocking to the border for food, thus making it easier to manage operations in the settlements, and also because the expanded operations of the relief agencies would make them even more dependent on the continued goodwill of the RTG.

In return for the pledge of a substantial program to assist Thai villagers who had been displaced by hostilities along the border,

the United States, Japan and other friendly countries were next able to persuade the RTG to permit a substantial number of Khmer refugees to leave the border settlements, which were subjected to intermittent attacks from Vietnamese and PRK forces, and gain refuge in UNHCR "holding centers," located in secure areas well inside Thailand. By January 1980, about 150,000 Khmer had been moved from Khmer Serei settlements and placed in the center at Khao I Dang; and some 32,000 others had been moved from the Khmer Rouge settlements to the center at Sa Kaeo.

During the spring of 1980, the Khmer Rouge intensified their raids on Vietnamese-PRK installations deep inside Cambodia; and this resulted in retaliatory attacks on several settlements. In June, the Thais transported about 9,000 refugees from Sa Kaeo across the border to territory controlled by the Khmer Rouge; the Vietnamese reacted by attacking two Khmer Rouge settlements and two nearby Thai villages. The ensuing hostilities along the border between the Thais and Vietnamese-PRK forces eventually caused some 100,000 refugees to flee temporarily from the settlements into Thailand. With this lesson in mind, the Thais never again experimented in unilateral repatriation.

In an effort to avoid involvement in the expanded border hostilities, the Joint Mission refused to continue to provide relief assistance to three Khmer Rouge settlements which had been deeply involved in guerrilla operations. By this time, however, the settlements had become such an important part of Thailand's campaign against the Vietnamese occupation that the RTG forced the Joint Mission to reverse its stand by denying it the right to airlift supplies

from Thailand to Phnom Penh.⁹ The United States, Japan and other major aid donors not only did not object to this policy, they agreed to provide additional funds for the "Affected Thai Village" Program, in light of the unstable situation along the border. The increased aid, in turn, strengthened the resolve of the Thais to continue to refuse all offers by Vietnam and the PRK to demilitarize the areas of the border settlements and to resolve the refugee problem.

Remaining steadfast in their opposition to the Vietnamese presence in Cambodia, the Thais, with the unanimous support of their ASEAN allies, eventually succeeded in persuading the Khmer Rouge and the two Khmer Serei factions to form the "Coalition Government of Democratic Kampuchea (June 1982)," which was to function as a government-in-exile. It was a measure of the success of this effort that the U.N. General Assembly voted in October 1982 to accept the credentials of the Coalition by an even greater margin than had been given previously to the representatives of the ousted regime of Pol Pot.

The Vietnamese responded to the formation of the CGDK, first by proposing the creation of a "safety zone" along the border and then by announcing that 20,000 Vietnamese troops would be withdrawn from Cambodia as a goodwill gesture. When these overtures were rejected, the Vietnamese and their Khmer allies launched an offensive in December 1982, which was to be the largest military

⁹ As noted above (pp. 294-5), the dispute was finally resolved by having the ICRC withdraw from the Joint Mission and UNICEF resume assistance to the three settlements. Later, the World Food Program was to join with UNICEF in forming the U.N. Border Relief Organization (UNBRO), which replaced the Joint Mission in providing aid to the border settlements.

operation in the Thai-Khmer border region since the occupation of Cambodia in 1979. The campaign resulted in sporadic clashes with Thai security forces until late April 1983, when the Vietnamese-PRK withdrew from the border region, allowing the Khmer civilians and guerrillas to return to the settlements.

The announcement of the withdrawal of an additional 10,000 Vietnamese troops did nothing to deter guerrilla operations inside Cambodia. In fact, troops of the Khmer Rouge and the two Khmer Serei factions launched a coordinated attack on the provincial capital of Siem Reap in December 1983; and the Vietnamese and PRK retaliated by launching another major offensive in March 1984, during which several Khmer Rouge and *Moulinaka* encampments were overrun and adjacent territory in the Thai province of Sisaket was occupied.

The Chinese responded to these developments by initiating an artillery attack across the Sino-Vietnamese frontier, which soon escalated into the most serious hostilities between China and Vietnam since the Chinese invasion of February-March 1979. The Thais managed to expel the Vietnamese from their territory, but unlike the case of their previous incursions into the border region, the Vietnamese-PRK forces did not withdraw but remained in place to consolidate their hold on these areas by placing mines and improving logistical support facilities prior to the onset of the rainy season.

When the Khmer Rouge and Khmer Serei guerrillas continued to engage in raids from border areas which had not been overrun, the Vietnamese-PRK forces launched an even more extensive

offensive in November 1984; and by mid-March 1985, all of the major guerrilla bases along the border had been captured. When this campaign finally ended at the end of the dry season, over 230,000 Khmer had fled the border settlements and crossed into Thailand and some 30,000 Thais had been displaced from their villages.

Since the Vietnamese-PRK forces continued to occupy the region on the Khmer side of the frontier, the RTG was obliged to fashion an alternative to the border settlements. It quickly decided to continue its policy of holding as many of the refugees as possible at the border - this time, in "evacuation sites" on Thai territory - so as to discourage additional refugees from seeking asylum in Thailand.

The RTG also wished to continue its policy of limiting the number of refugees admitted to the UNHCR holding centers where their numbers and protected status might well cause major long-term problems for the Thais in the event that resettlement quotas were to decline. Notwithstanding the pressures put upon them to move refugees from the border to the holding centers on humanitarian grounds, the Thais were able to limit the number of admissions to the centers to just over 4,300 during 1984, about 8,000 during the peak of hostilities in 1985, negligible numbers during 1986-88, some 4,600 in 1989, almost 1,300 in 1990, and fewer than 1,200 in 1991.

Even though the number of Khmer resettled out of the camps declined sharply from about 19,000 in 1985 to fewer than 6,300 during 1986 and less than 5,000 in 1987, the policy

of restricting admissions to the holding centers had the effect of keeping the refugee population under UNHCR protection to a minimum. The number of resettled Khmer rose to about 7,300 in 1988, but declined thereafter to 5,000 in 1989, 2,400 in 1990, about 2,300 in 1991, and fewer than 2,000 in 1992. Owing to the voluntary repatriation of some 6,900 Khmer during 1992, only about 7,000 remained at the one remaining center, Khao I Dang, by the end of the year; and all of these refugees were expected to be resettled, relocated to the border sites, or repatriated in the near future.

As early as the fall of 1986, there were significant indications that, regardless of the security problems posed by the guerrillas, the Vietnamese would eventually withdraw all of their forces from Cambodia, owing primarily to the desire of Vietnam's patron, the Soviet Union, to normalize relations with China. In late 1987, the Vietnamese initiated a phased withdrawal of their remaining troops which was to result in the end of Vietnam's military presence in Cambodia by September 1989.

As the withdrawal of the Vietnamese occupation forces diminished the threat to Thailand's security, the RTG and its allies began to encourage the three Khmer guerrilla factions to negotiate a political settlement with the Heng Samrin Government, which would restore stability to Cambodia and thereby permit the repatriation of the hundreds of thousands of Khmer who were being held at the sites along the border. The negotiations eventually led

to the signing of the Paris agreement in October 1991, in which the three Khmer guerrilla factions and the Phnom Penh government agreed to accept a U.N. peacekeeping force which was to supervise the demobilization of their armies, the holding of national elections, and the repatriation of the refugees in Thailand.

By the end of 1992, 185,000 Khmer, more than half of the refugees living at the border sites had been repatriated under a program sponsored by the UNHCR, leaving an estimated population of 145,000. Though the rivalries between the various political factions may yet thwart the efforts of the U.N. peacekeeping force to stabilize the situation in Cambodia, the repatriation process is likely to continue until most if not all of the remaining Khmer have been returned to their homeland.

Consideration of the Thesis - The Khmer Refugees

Had the Thai government been obliged to honor the provisions of the U.N. Convention and Protocol on the Status of Refugees, its policies with respect to the Khmer refugees would have been much different: All incoming asylum seekers would presumably have been entitled to at least temporary sanctuary in secure areas of Thai territory where they could be screened in order to determine their *bona fides* as refugees.¹⁰

¹⁰ While the primary purpose of the U.N. Convention and Protocol on the Status of Refugees was to define the category of persons entitled to the status of refugees and the protections due them under international law, the definitions would have little practical value unless there were a corollary inference that all asylum seekers have a *right* to enter a country which might provide sanctuary and to remain there under conditions of safety at least until such time as their claim for refugee status could be affirmed or denied.

It is likely that many, if not most of the Khmer screened would have been able to make a strong case for refugee status during the period of either the Khmer Rouge regime or the Vietnamese occupation on the grounds that they had a "well-founded fear of being persecuted for reasons of race, religion.. (or) membership of a particular social group or political opinion."¹¹ There is no reason to assume, however, that the United States and other countries offering resettlement opportunities would have significantly expanded their resettlement quotas to accommodate much larger numbers of *bona fide* refugee applicants; and, of course, if they did not, all of the people who were not accepted or who did not qualify as refugees would have the right to remain on Thai soil until such time as they were to freely choose to return to their homeland. Given the guaranteed food, shelter, and medical care available to the inhabitants of the UNCR camps and the dire political and economic conditions inside Cambodia, that could be a very long time indeed.

In order to ensure the safe return of people who had agreed to be repatriated, the RTG - or an agency such as the UNHCR, acting on its behalf - would have to negotiate an agreement with whatever regime controlled Cambodia at the time. The Thais were well aware that, even if it were possible to secure an agreement concerning the return of a very substantial number of formerly disaffected people, the task was likely to be extremely difficult and time-consuming.

¹¹ U.N. *Convention and Protocol Relating to the Status of Refugees*, Article 1, A(2), 12.

Given the perennial problems of instability and drought which plagued Cambodia during most of the past two decades, any unchecked migration of Khmer into Thailand could easily result in the depopulation of the western Cambodia; and this, the Thais feared, would not only make it easier for Vietnam to control Cambodia but might even lead to the colonization of the country by Vietnamese, a development which would result in the establishment of a permanent threat to Thailand on her northeastern and eastern frontiers. It was primarily in order to forestall such a series of events that the Thais adopted their initial policy of forbidding entry to all incoming Khmer.

Assuming that the RTG would allow the UNHCR care for the asylum seekers, pending their screening, resettlement or voluntary repatriation, all Khmer living in camps operated under the auspices of the UNHCR would be forbidden to engage in any military activity which might jeopardize the neutrality of the U.N. agency; and, since a great many more persons could be expected to enter Thailand for screening and be accepted as legitimate refugees, it is likely that the pool of potential guerrilla recruits would be greatly diminished.¹²

Any substantial migration of Khmer into Thailand, even

¹² While neither the Convention and Protocol nor any other instrument of international law requires that a state place asylum seekers under the protection of the UNHCR or any other agency, it is highly unlikely that substantial assistance for refugee relief would have been forthcoming from the international community had the UNHCR not been permitted to monitor, if not control all relief activities in camps established for the screening and shelter of asylum seekers and *bona fide* refugees.

for the brief period which might be required for screening, would have made it extremely difficult, if not impossible, for the Khmer guerrilla factions to maintain stable populations at the settlement on the Khmer side of the border; and, without these settlements, it would have been far more difficult and dangerous for the Thais to provide covert support for the guerrilla campaign against the Vietnamese occupation forces in Cambodia.

We can see therefore that had the Thais conformed to the requirements of the U.N. legal instruments defining the status of and the protections due refugees, it is likely that their country would have been burdened with the presence of hundreds of thousands more Khmer refugees for an extended, indefinite period. It would also be likely to have led to the depopulation of western Cambodia, making it easier for the Vietnamese and PRK forces to control the area and much more difficult for the Thais to pursue their policy of providing covert support for the insurgency, a policy which they deemed, rightly or wrongly, of vital importance to the security of their nation.¹³ With these considerations in mind, it is easy to understand why the Thais have declined to observe certain humanitarian policy norms regarding refugees, which have been accepted by most of the other nations of the world.

¹³ In retrospect, it can be argued that the Vietnamese never intended to engage in a long-term occupation of Cambodia and that the guerrilla campaign, to the extent that it threatened the stability of the PRK, actually served to prolong, rather than shorten the Vietnamese military presence in that country. Be that as it may, it is quite clear that Thai strategists regarded the guerrilla campaign as offering one of the very few effective means available to them of opposing the Vietnamese occupation forces without running a serious risk of open warfare with Vietnam.

Conclusion: An Overall Appraisal of Thai Refugee Policies

The purpose of this dissertation has been to review the history of the period of the Indochinese refugee migrations in order to ascertain the primary determinants of Thailand's policies toward each of the four primary groups of Indochinese refugees and to determine whether or not the Thai state could have achieved its essential interests had it observed the protections accorded refugees by the U.N. Convention and Protocol Relating to the Status of Refugees. We defined these *essential* interests as being 1) the preservation of the security and territorial integrity of the state, 2) the promotion of the economic viability or well-being of the inhabitants of the state, and 3) the maintenance or enhancement of the prestige of the state so that it might more readily obtain the cooperation of other members of the international community.

The Security Factor: Initially, the influx of thousands of Indochinese into Thailand was regarded by the country's leaders as constituting, at best, a factor which would complicate their efforts to achieve normal relations with the regimes of Vietnam, Laos and Cambodia or, at worst, a long-term drain on Thailand's limited economic and administrative resources and a vehicle for subversive activities which might disrupt the social fabric of the nation.¹⁴ However, soon after substantial international financial support for relief operations under the auspices of the UNHCR had been assured and an extensive resettlement program had been instituted by the United States, France and other western nations to stabilize and

¹⁴ See RTGMOI, "Unfair Burden," 26.

eventually scale down the refugee populations in Thailand, the presence of the refugees was no longer a matter of pressing national concern;¹⁵ and the RTG was able to ensure, largely by means of astute diplomacy, that the refugees did not unduly interfere either with its efforts to come to terms with the communists or with its relations with its ASEAN and Western allies. Indeed, the Thai government succeeded in obtaining substantial military assistance and diplomatic support from the United States both directly and indirectly through ASEAN;¹⁶ and also, most notably, it received both direct and indirect military assistance from China, in the form of the brief incursion into northern Vietnam during February-March 1979 and the clandestine aid provided the Khmer Rouge guerrillas. The Chinese incursion was of special importance in that it provided an important lesson to the Vietnamese and forced them to deploy a large number of troops along their border with China which might otherwise have been stationed in Cambodia.

In the years immediately following the fall of Indochina

¹⁵ The lack of controversy surrounding Thai policy toward the Indochinese refugees is reflected in the legislation considered by the Thai parliament: Aside from laws passed to restrict or prohibit Thais from aiding incoming asylum seekers, the only significant (and controversial) legislation which may be said to have arisen as a result of the Indochinese refugee migrations was that passed in July 1979 to restrict employment opportunities for the Vietnamese who had been living in Thailand since the French Indochina War. See fn. #1, pg. 151.

¹⁶ "The U.S... role (was) quite important for it (provided Thailand) substantial indirect support. Its diplomatic cooperation with ASEAN has been almost total. The U.S. has supported and rallied support for the Democratic Kampuchea seat in the United Nations General Assembly since 1979. It supported ASEAN's proposal for (the) U.N.-sponsored International Conference on Kampuchea in July 1981. Finally, the United States... cooperated with ASEAN in putting diplomatic and economic pressure on Hanoi to withdraw from Kampuchea." Mung-kandi, 20-1.

to the communists, there was a great deal of dissension among the various factions of the Thai governing elite as to how best to deal with the emerging communist regimes. This dissension was clearly one of the primary factors leading to the military coup of October 1976, which resulted in the replacement of the democratically-elected Seni Government by the hard-line, anti-communist coalition of Thanin, and the the coup of October 1977, which replaced Thanin with General Kriangsak who offered a much more accommodating approach towards Thailand's communist neighbors. Following the Vietnamese invasion and occupation of neighboring Cambodia, however, a consensus quickly developed among the various military-commercial cliques of the elite concerning the need for effective action to counter the threat posed by the Vietnamese military presence on Thailand's borders and to restore Cambodia to her traditional role as buffer by pressuring the Vietnamese to withdraw from that country as soon as possible.¹⁷

From the conquest of Cambodia by the Khmer Rouge in

¹⁷ There is little evidence to indicate that differences over Thailand's posture with respect to the communists played any significant role in subsequent domestic political developments, such as the resignation of General Kriangsak in February 1980 and the election of General Prem: the parliamentary crisis of January-March 1983; the abortive coup of September 1985; the elections of July 1986, which reaffirmed popular support for Prem's reforms in favor of civilian government; and the elections of July 1988, which resulted in the replacement of Prem by General Chatichai.

Once the threat of conflict with the Vietnamese had passed as a result of the Vietnamese withdrawal from Cambodia during the fall of 1989, the rivalries between the various cliques became much more pronounced: Thailand experienced the coup of February 1991, which resulted in replacing Chatichai with Anand as interim prime minister; the elections of March 22, which led to the brief premiership of General Suchinda; and the anti-government demonstrations and elections of September 13, 1992, which led to the restoration of civilian government under the current prime minister, Chuan Leekpai.

1975 until their overthrow by the Vietnamese in 1978-79, relatively few Khmer civilians were able to evade the brutal regimentation of the communist regime and escape into Thailand. Most of the incoming refugees during this period were Lao and Hmong; and Thai policy makers feared that, if left unchecked, the influx of tens of thousands of Lao each year would lead to the depopulation of the major urban centers of Laos, making that country more dependent on the Vietnamese. They were also concerned that the Hmong would constitute a permanent refugee population on Thai soil and would complicate relations between the RTG and Thailand's own ethnic minority groups. In order to forestall such a development, the RTG, under Kriangsak, attempted to cooperate with the Pathet Lao regime in staunching the flow of refugees.

The overthrow of the Khmer Rouge regime permitted about 138,000 Khmer to gain entry to UNHCR camps in Thailand during 1979, but, as we noted, about three times that number were prevented by Thai security forces from entering Thailand. Apart from their desire to avoid the need to monitor such a large number of aliens on Thai soil, Thai policy makers were motivated by a concern that the effective depopulation of western Cambodia, might lead to colonization of the area by the Vietnamese, a development which would pose a very serious long-term threat to their country's security. They also feared that the Vietnamese boat people coming to Thailand would provide Vietnam a pretext for aggression.

Eventually, the RTG came to regard the presence of the hundreds of thousands of Khmer refugees who had gathered along the Thai-Khmer frontier not so much as a threat to Thailand's well-

being but as an extremely important security asset: Whether grouped in settlements on the Cambodian side of the frontier or in the "sites" on the Thai side, the presence of such large numbers of Khmer civilians ensured the availability of manpower and bases of operation for extensive guerrilla operations against Vietnamese forces in Cambodia. Thus, by channeling to the Khmer guerrillas military supplies provided largely by the Chinese, the Thais were able to wage a war by proxy behind the protective cover of some of the world's most prestigious humanitarian agencies and thereby avoid the danger of a direct confrontation with the Vietnamese.

In retrospect, it can be argued that it was never necessary for the Thais to have involved themselves in the guerrilla insurgency in Cambodia because the Vietnamese never intended to become the permanent overlords of Cambodia and that, in any case, would have been obliged by their Soviet patron to end their occupation sooner or later. Such a view of Vietnamese and Soviet intentions, however, was by no means clear to either the Thais or their allies during most of the period of the Vietnamese military presence in Cambodia; and for this reason, it is understandable that Thai policy makers chose to regard covert support for the guerrillas as a vital part of their effort to restore Cambodia as a buffer between them and Vietnam, their traditional enemy, which apart from China, had become the strongest military power in Southeast Asia.

Had the RTG chosen to observe the protections accorded refugees by the U.N. Convention and Protocol, it would have been obliged, at least in theory, to permit entry to *all* Indochinese who sought refuge in Thailand, regardless of their number, to allow them

to remain in secure areas, and to ensure their humane treatment until such time as their status could be determined and they could be resettled in third countries or voluntary repatriated.¹⁸ Humanitarian considerations would clearly be given priority over over any of the more mundane exigencies of Thai statecraft.

Thus, had the policies of the RTG been in strict compliance with the provisions of the U.N. legal instruments defining the status and treatment of refugees, it could not have taken steps to block or even slow down the influx of Indochinese asylum seekers on Thai territory, regardless of the effect the refugee presence might have on relations between Thailand and the regimes from which the refugees had fled or the fact that the effective depopulation of neighboring territories of Laos and Cambodia might well serve the interests of Vietnam and thereby work against vital long-term interests of Thailand. Most important of all, the Thais would have been precluded from utilizing the presence of hundreds of thousands of asylum seekers along the Thai-Khmer frontier as part of their effort to force an end to the Vietnamese occupation of Cambodia, an objective which they deemed to be of the greatest importance to the long-term security of their nation.

While Thailand's leaders may have been mistaken in their assessment of the challenges and opportunities presented to them by the Indochinese refugee migrations, they and they alone retained ultimate responsibility for the maintenance of their country's security and general welfare. It was precisely because of the

¹⁸ See fn. #10, pg. 398.

belief that the U.N. Convention and Protocol would unduly limit the freedom of action required to meet this responsibility that they declined to accede to these legal instruments.

The Economic Factor: Soon after the influx of Indochinese into Thailand had begun, Thai spokesmen expressed alarm over the effect these "displaced persons" were having on public opinion in the rural areas where most of the displaced persons were being sheltered.¹⁹ Their concern heightened dramatically during the early months of 1979, following the overthrow of the Khmer Rouge, when hundreds of thousands of Khmer began flocking to the border to escape political persecution or famine.²⁰

The Thais charged that their government was incurring more administrative expenses in support of the displaced person camps than it was receiving in funds from the UNHCR and that the purchase of commodities for use in the camps had given rise to "inflationary conditions," with the result that "in many cases the displaced persons are eating better than our own people." They also noted that the establishment of camps and various "self-sufficiency" projects for the Indochinese had resulted in the loss of "several

¹⁹ It was noted that the free food, clothing and medical services offered to idle asylum seekers caused "disadvantaged rural poor (Thai) who work hard all day" to believe that "the government is more willing to help displaced persons rather than its own people" and that this view had led to "discontentment that weakens our nation." RTGMOI, "Unfair Burden," 15.

²⁰ At a meeting held during the 43rd Special Session of the Intergovernmental Committee for European Migration (ICEM) in Geneva on May 21-22, 1979, Winyu Angkanarek, leader of the Thai delegation noted that since 1975 Thailand had received more than 240,000 Indochinese, of whom only 88,000 had been resettled in third countries. He warned of the possibility that half of the population of Cambodia, two to four million people, might seek to enter Thailand and noted that such a migration would give rise to "a dangerous shortage of rice" in Thailand. *Ibid.*, 42.

million U.S. dollars through lost production of agricultural lands, damage to our national forest, and watershed, illegal logging, and other activities," with the result that "even if reimbursement were to be made, the permanent damage to our national resources can never be corrected."²¹ Lastly, they pointed out that, owing to shortages of personnel and funds, Thai civil servants had been obliged to deal with the Indochinese as well as with their normal duties and that this had given rise to serious complaints by Thai villagers that they were being neglected.

While it is undoubtedly true that the refugee presence did result in some long-term ecological damage, the "Affected Thai Village" Program and other programs designed to benefit villagers in the border provinces did much to assuage local resentment toward the refugees in the camps. There also can be little doubt that the net effect of the millions of dollars expended directly and indirectly on behalf of the refugees by the international and private relief organizations was a great boon to the Thai economy, particularly in economically depressed areas of the country where most of the refugees were concentrated.²² It should also be noted that several

²¹ Of particular concern was the fact that, by allowing public land and national forests to be used for the refugee centers, landless Thai farmers "have been denied access to both," a development which had created "a (credibility) gap between farmers and the government." *Ibid.*, 17.

²² One American journalist, who has lived in Thailand and reported on Indochinese refugee relief operations for many years, estimated that expenditures in Thailand for such items as food, clothing, building supplies, medical supplies, transportation of goods and personnel, and rent for housing relief personnel amounted to about \$500 million during 1982 alone. Alan Dawson, (untitled article on Indochinese refugee assistance in Thailand), *Bangkok Post*, 25 July 1982.

hundreds of young Thai military officers and civil servants gained valuable administrative experience by working with the personnel of the various international and private organizations involved in relief activities.

No authoritative assessment of overall impact of the Indochinese refugee presence on Thailand's economy is currently available, but it is fair to say that none of the problems posed by the refugees has impeded the effort of the Thais to achieve rapid economic development: Beginning in the second half of the last decade, Thailand has experienced a "spectacular" increase in the production of manufactured exports, a phenomenon which has enabled her to sustain one of the highest rates of growth in gross domestic product of any country in the world.²³

As we have noted, had the RTG strictly observed the U.N. Convention and Protocol, there could easily have been more than a two- or three-fold increase in the number of Indochinese refugees on Thai territory. Had such an increase occurred and there was no commensurate increase in the amount of foreign financial support for the care of the refugees, Thailand's responsibility for caring for such a large number of largely destitute people would have resulted in placing an intolerable strain on her resources.

It is reasonable to assume, however, owing to the interest

²³ See Wisam Pupphavesa, "3. Industrialization and the Role of Foreign Direct Investment in Thailand," in *OECD Foreign Direct Investment Relations Between the OECD and the Dynamic Asian Economies: The Bangkok Workshop*, Organization for Economic Cooperation and Development, (Paris: OECD, 1993): 61

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of the United States, Japan and other nations in maintaining the stability of Thailand and the very high level of attention which the refugees were receiving in the international news media, that adequate funding for the support of the refugees would have been forthcoming. If such a level of support were provided for as long as refugees were in Thailand and the resettlement of refugees outside of Thailand proceeded apace, there is no reason to believe that even a greatly expanded refugee camp population would have had a significantly adverse impact on Thailand's economy or administrative structure.

Nevertheless, we should note that no state should be expected to adopt policies which would make it heavily dependent on the good will and largess of other states if it could possibly avoid such policies. Owing to the likelihood that strict compliance with the provisions of the U.N. legal instruments would have made the Thais much more economically dependent for the foreseeable future than they would otherwise have been, they could be expected to decline to assume such obligations, particularly if their refusal was not likely to give rise to a seriously averse reaction among other members of the international community.

The Moral Prestige Factor: For many centuries, the people of Thailand have regarded their land as an oasis of stability and prosperity in a region often marked by strife and bitter poverty. They are justly proud that their country has traditionally been a haven of refuge for the persecuted of neighboring lands; and, in response to criticism of their government's policies toward the Indochinese refugees, they can point to the fact that, since 1975

when the migrations began, Thailand has provided sanctuary on her territory to almost 1.1 million asylum seekers from the three states of Indochina, including over 712,000 who were sheltered in UNHCR camps²⁴ and an estimated 330,000 Khmer in the border settlements.

The leaders of Thailand were well aware that the Indochinese refugee migrations had come under the close scrutiny of the international news media and that any harsh treatment of the refugees would be likely to subject the offender to harsh criticism by the humanitarian agencies, such as the UNHCR and the ICRC, as well as by the United States and other powerful nations. Nevertheless, they believed that their country's long-term vital interests required that that the number of Indochinese on Thai soil be kept to a minimum and they were resolved to endure a measure of such criticism in order to achieve that basic objective.

As our historical review has revealed, whenever the RTG was seriously challenged for a given policy, such as the denial of entry or the forcible expulsion of asylum seekers, it would, as a rule, judiciously temporize by agreeing to modify or hold the offending policy in abeyance in return for assurances that the rate of resettlement would be accelerated in order to reduce camp populations or that stricter screening would be imposed to slow down the influx of

²⁴ These included about 268,000 Khmer, of whom over 234,000 were resettled in third countries and the balance repatriated (see Table 5, pg. 347); about 208,000 Lao, including about 183,000 who were resettled and 6,700 repatriated (Table 3, pg. 216); about 147,000 Hmong and other Laotian tribespeople, of whom over 122,000 were resettled and about 5,000 repatriated (Table 4, pg. 221); and about 145,000 Vietnamese (or some 18 percent of the regional total of such refugees registered by the UNHCR), of whom over 142,000 were resettled and over 2,700 voluntarily repatriated under the auspices of the UNHCR (Table 2, pg. 158).

refugees by discouraging people from choosing to seek asylum in Thailand.

Critics of Thai policy point out that, regardless of the reasons the RTG may have had for restricting the number of asylum seekers on Thai soil, whatever success it had in pursuing this policy was achieved at the cost of the loss of tens of thousands of innocent lives which might otherwise have been saved and the suffering of hundreds of thousands of others who could have been cared for, without having any appreciable effect on the stability of Thai society or the long-term security of the nation: Tens of thousands of Lao and Hmong were refused entry or were driven back into the hands of the Pathet Lao and imprisoned in "re-education camps" or were killed; hundreds of thousands of Khmer were denied sanctuary and were forced to live in border camps where they were subjected to the chaotic control of corrupt warlords of the Khmer Serei or the brutal rule of the infamous Khmer Rouge and were subject to periodic attacks by Vietnamese-PRK forces; and many thousands of Vietnamese boat people were denied entry and pushed back out to sea where they were left to the mercy of pirates and the elements.

Irrespective of the humanitarian considerations involved, we must reject the view implicit in such criticism that customary international law *requires* a state to grant sanctuary on its territory to *all* incoming asylum seekers at least until such time as their status can be determined and they can be resettled or safely repatriated. On the contrary, the law begins with the premise that it is the inalienable right of a sovereign state to deny entry to aliens and

to detain all foreigners which have entered its territory without permission. Consequently, the Thai government can not be faulted *on legal grounds* for having exercised its prerogative in this regard.²⁵

The RTG was also censured for its policy of arbitrarily determining the status and treatment of those asylum seekers it had permitted to remain on Thai soil: As we have noted, some Indochinese were designated as "displaced persons" who were entitled to sanctuary in UNHCR camps, while others, who entered Thailand at a later date, were designated as "illegal aliens" and were subject to expulsion or indefinite confinement in austere detention centers.

This practice of arbitrarily discriminating between incoming asylum seekers rests on even weaker legal ground than does the draconian policy of denying all entry: As one legal scholar has observed, the Thais have exerted "a large measure of control" over those Laotians, Cambodians and Vietnamese who have been permitted to remain on Thai soil "by screening them at points of entry" and

²⁵ We should note, with respect to this point that, while the RTG may be criticized for not having granted temporary asylum to more Indochinese, not even the signatories to the U.N. Convention and Protocol have acknowledged the principle that asylum seekers have a presumed right to enter the territory of a state for the purpose of claiming sanctuary. Both in law and in fact, whether or not to permit the entry of asylum seekers has remained a matter to be decided at the discretion of the state concerned; and this must be borne in mind when evaluating Thailand's refugee policies.

The approach taken with respect to Haitian asylum seekers by the United States, one of the foremost proponents of respect for humanitarian norms in the treatment of refugees, provides a case in point: On May 24, 1992, President Bush issued an executive order which required the U.S. Coast Guard to intercept Haitian refugees on the high seas and return them to Haiti without any screening to determine their status. On July 29, the U.S. Court of Appeals for the Second Circuit ruled that the new policy violated the rights guaranteed asylum seekers under the country's basic immigration law, the Immigration and Naturalization Act of 1952. Three days later, the U.S. Supreme Court agreed to a request by the Administration to stay the Second Circuit decision; and the Court's final decision with respect to the matter is still pending. See *New York Times*, 6 October 1992 and *Washington Post*, 6 October 1992.

"by controlling (them) in closed camps after arrival;" and that such "controlled admissions may well have the effect under international law of *rendering the entries authorized*." It should also be noted that, regardless of the question of the legality of their entry, refugees, like all other aliens, are entitled to the protection of their "basic individual rights" by the state on whose territory they are found.²⁶

From the viewpoint of Thailand's leaders, the UNHCR and other international organizations and private foreign voluntary agencies had been permitted an extraordinary degree of freedom to operate in Thailand on behalf of the refugees. Thus, many Thai

²⁶ "The distinction between lawful and unlawful entry... has arisen only when the non-national has claimed *benefits* separate and apart from the right to protection that the State is obliged to provide. These may include a claim for permanent resident status, or access to social assistance or other entitlements due under treaty, including 'rights of establishment'. The non-national's presence in the State is legally established, that is, from the perspective of international law, once physical presence has been effected. The State has jurisdiction over the individual which in turn must be exercised in order to guarantee basic individual rights." Arthur C. Helton. "Asylum and Refugee Protection in Thailand," *International Journal of International Law*, 1, no. 1 (1989): 42-3. (Citations omitted; italics are my own).

Mr. Helton, Director of the Political Asylum Project of the Lawyers Committee for Human Rights, led a mission of inquiry to Thailand in January and October 1988 to examine the protection and processing of refugees. At the conclusion of the mission, he issued a critique of Thai policy in which he noted that "some of the (asylum seekers) have been recognized as refugees by the (UNHCR), a form of recognition at the international level which, it is submitted, is opposable to the territorial State and makes the nature of entry into the country of asylum irrelevant."

He also contended that "While Thailand may not be formally bound by the international human rights instruments as a matter of treaty obligations, these principles should certainly inform the development of its asylum policies with their aspirations. Moreover, Thailand is bound by those provision of the instruments that have achieved the status of customary international law..."

"The practices of the Thai authorities in confining Cambodians, Laotians and Vietnamese in closed camps and detention centres for years under onerous conditions, despite no prospect of return to the home country or evidence that they pose a real danger to Thailand, violates the customary international law prohibition against prolonged arbitrary detention. This calculated deprivation of liberty should be halted immediately." *Ibid.*, 44-5.

officials deeply resented the repeated complaints concerning alleged mistreatment of incoming asylum seekers, particularly boat people, and the conditions to which "illegal aliens" had been subjected under "humane deterrence."²⁷

It seem quite clear that nothing short of intense and concerted diplomatic pressure and perhaps, even severe economic sanctions would have been required by leading members of the international community to induce the RTG to bring its refugee policies into strict compliance with the provision of the U.N. Convention and Protocol. Yet, even if we were to assume that Thai concern over the long-term political consequences of the depopulation of large areas of neighboring states could be discounted, and that increased financial support and resettlement quotas commensurate with increases in refugee populations would be guaranteed, there is nothing in the historical record to suggest

²⁷ An unfortunate legacy of Thailand's long and often turbulent experience with the Indochinese refugee problem has been the growth of an atmosphere of suspicion and distrust between the RTG and the UNHCR and other relief organizations. This may be seen in the approach of the RTG in dealing with some 40,000 Karen and Burmese students who have fled into Thailand since 1988, when the Burmese military began a major offensive against rebel communities in areas near the Thai-Burmese frontier.

Initially, the Thais herded these people into detention centers and did their utmost to keep contact between them and the UNHCR and other relief agencies to a minimum. Following the hijacking by Burmese dissidents of a plane flying from Bangkok to Rangoon, the RTG even threatened to expel any UNHCR official who aided Burmese refugees in Thailand. Soon afterwards, however, the government relented and allowed the U.N. agency to divert funds from a scholarship program for Burmese students and use them to establish a refugee camp just inside the border. At about the same time, it was reported by the U.S. Committee for Refugees that a total of more than 5,200 Burmese had been repatriated by the Thais since 1988. *New York Times*, 18 November 1990.

The fact that today, after more than a decade and a half of coping with the Indochinese migrations, the Thai government is being subjected to criticism for alleged mistreatment of asylum seekers from Burma demonstrates how jealously the Thais have guarded their freedom of action in dealing with refugees.

that the leaders of the international community would have brought adequate pressure to bear on Thailand in order to force her to accept substantially more refugees than she did.

On the contrary, our historical review has revealed that, during the whole period of the Indochinese migrations, only one example can be found of a sanction which had been imposed on a country of first asylum for the explicit purpose of securing better treatment of incoming refugees: In November 1990, the United States denied Malaysia funds for a military training program in protest of that country's policy of pushing back incoming boat people.²⁸ Though, at one time or another, Thailand and other countries in the region were guilty of the same offense, no similar sanctions were ever applied to them.

While Thailand's reputation would undoubtedly have been enhanced had she been more lenient in her treatment of the Indochinese asylum seekers, there is nothing in the historical record to indicate that this would have meant she would have received greater military, economic or diplomatic support from her allies than she actually did. It is quite evident that the United States and other nations friendly to Thailand were far more concerned with countering the expansion of Vietnamese and Soviet influence in Southeast Asia and ensuring the political stability and economic development of the non-communist nations of the region than they were with the fate of people seeking to escape the throes of tyrannical rule in the states of Indochina. Thus, Thailand was permitted by her allies to

²⁸ See above, pg. 143.

enjoy a much wider range of latitude with respect to such matters as the treatment of refugees than might otherwise have been the case, with the result that even the most censurable measures undertaken to repulse or discourage refugees never seriously affected Thailand's relations with her allies or her moral standing in the world community at large.²⁹

Consideration of the Thesis: Our analysis of the history of the Indochinese refugee migrations has led us inexorably to a conclusion which refutes the contention that Thailand could have achieved her essential national interests as effectively as she did had she recognized the status and protections due refugees as defined by the U.N Convention and Protocol. Had the Thai government been obliged to strictly observe such provisions, it would have been precluded from taking action to counter developments which were clearly working to the detriment of Thailand's vital, long-term interests, such as the depopulation

²⁹ One important indicator of the concern the United States, Japan, and other free world nations had for Thailand's stability and prosperity in the face of the threat of communist aggression can be seen in the steady rise in bilateral foreign aid provided during the period under study.

By 1975, at the start of the Indochinese migrations, Japan had already become Thailand's primary source of both aid and commercial investments; and, as indicated in Table 8, appendix II, p. 346, the level of bilateral aid to the Thais in the form of both grants and loans at concessional rates tended to increase rapidly thereafter, regardless of the vagaries of RTG policies and Thailand's domestic politics.

While the United States traditionally has been reluctant to use development assistance as a political weapon, it did cut off all aid to Thailand (except for funds needed to counter drug trafficking) following the military coup of February 1991, and maintained the cut-off until civilian rule was restored. Japan, on the other hand, suspended its aid only briefly after the coup and never condemned either the Suchinda Government or its bloody suppression of anti-government protestors in the demonstrations of May 1992.

of neighboring lands and the continuation of the occupation of neighboring territory by her traditional rival for power in the region.

Compliance would also have made Thailand more heavily dependent on the continued good will and charity of other countries for a prolonged, indefinite period, regardless of changes in her relations with friends or foes and developments within the communist states from which the refugees had fled. It could have meant that, over a period of several decades, as interest in the refugees waned within the international community, Thailand would have been left

Following the crackdown on the protestors, a senior Japanese foreign ministry official remarked that "We regard the Suchinda Government as a legitimate, constitutional government... It is regrettable that blood has been shed, but there was an attack on the enforcement authorities that provoked it." David E. Sanger, "Japanese Decline to Condemn Army: Large Investment in Thailand Makes Stability the Focus," *New York Times*, 20 May 1992.

In attempting to explain Japan's attitude, Sanger pointed out that "Bangkok is ringed by Toyota automobile plants and a range of Japanese-owned electronics factories that make everything from computer chips to microwave ovens. Japanese cars account for over 90 percent of those on the roads in Thailand. Prolonged political instability could have serious consequences for productivity on the factory floor." *Ibid.*

The Japanese have consistently maintained that stable government and steady economic growth are necessary prerequisites for democracy in developing nations around the world. Thus, as Sanger has noted, "Japan was among the first countries to renew ties with China after the crackdown in Tianamen Square in 1989. The previous year, Tokyo declined to cut off all aid to Myanmar (Burma) after Government troops there killed several hundreds of protestors. It continues to finance what it terms humanitarian projects, and Japanese trading companies are once again active in the country." It should also be noted that when President Fujimori of Peru suspended the constitution and dissolved parliament, Japan "declined to join the United States in condemning the actions or cutting off aid." *Ibid.*

Owing to Japan's importance to Thailand as an aid donor - she provided about \$406 million in grants and loans, or more than two-thirds of Thailand's total foreign aid budget during 1991 - no sanctions against the Thais would be likely to succeed without her cooperation. If she and other economic powers were not willing to impose even limited economic sanctions to block a nascent military dictatorship in Thailand, they could hardly be expected to undertake effective action in order to force a change in Thailand's policies toward refugees.

alone to cope with the heavy economic burden of caring for hundreds of thousands of aliens who would never be offered resettlement opportunities and who were unwilling to return to their homelands while they remained under communist rule.

While Thailand and several other states of Southeast Asia are currently enjoying unprecedented, high rates of economic growth, the political stability of the region is far from being assured: China, the major regional power, has yet to prove that it no longer harbors long-term designs to expand its influence at the expense of the established governments of the region; and chronic instability still plagues Thailand's neighbors - Cambodia, Laos, and especially Burma.³⁰

Like most of the other nations of Asia, the Thais have thus far declined to assume the obligations of the U.N. Convention and Protocol because they do not believe it is in their interest to do so

³⁰ In March 1992, Burmese military operations against Karen rebels based in areas near the Thai border escalated into a major offensive which spilled into Thai territory. Thai and Burmese forces fought a fierce artillery duel and Thai fighter-bombers attacked Burmese troops on the Thai side of the frontier. Reports indicated that at least 30 Burmese troops had been killed before the Burmese forces withdrew. *Keesing's* (March 1992): 38815.

In another border incident on October 6, Burmese troops arrested a group of 10 Thai officials who had travelled into Burma to secure the release of Thai villagers who had been detained since August. According to a report in the *Bangkok Post* (Oct. 7), the 10 were being held in order to bargain for the release of 21 Burmese troops who were being detained in Thailand. The Thai officials were reported to have been released later that month. *Ibid.* (October 1992): 39145.

It should also be noted that Burmese military action against rebel forces in the Burmese state of Arakan, during the spring of 1992, led to the flight of large numbers of Muslim Rohingya refugees into neighboring Bangladesh. By mid-March, about 210,000 of these refugees were reported to be living in makeshift camps in Bangladesh. *Ibid.* (March 1992): 38815.

and because the leading members of the international community thus far have been unwilling to use their influence to force them to comply. Consequently, until there is either a dramatic change for the better in the political and economic conditions prevailing throughout Southeast Asia or an agreement among the leaders of the international community to enforce universal compliance with the humanitarian norms of international law contained in these instruments, Thailand and most of the other nations of the region are likely to continue to decline to accept them.

Ultimately, the key to promoting greater respect for humanitarian norms in the treatment of refugees in Southeast Asia, as well as in other regions of the world, lies in a concerted effort by concerned members of the world community to alleviate those conditions of tyranny and poverty which have given rise to most of the refugee migrations in modern times. Only by fostering economic growth and the development of representative political institutions throughout the world can we hope to ever put an end to such tragedies as those which have been endured by the Indochinese refugees.

Postscript: The Protection of Refugees in Southeast Asia

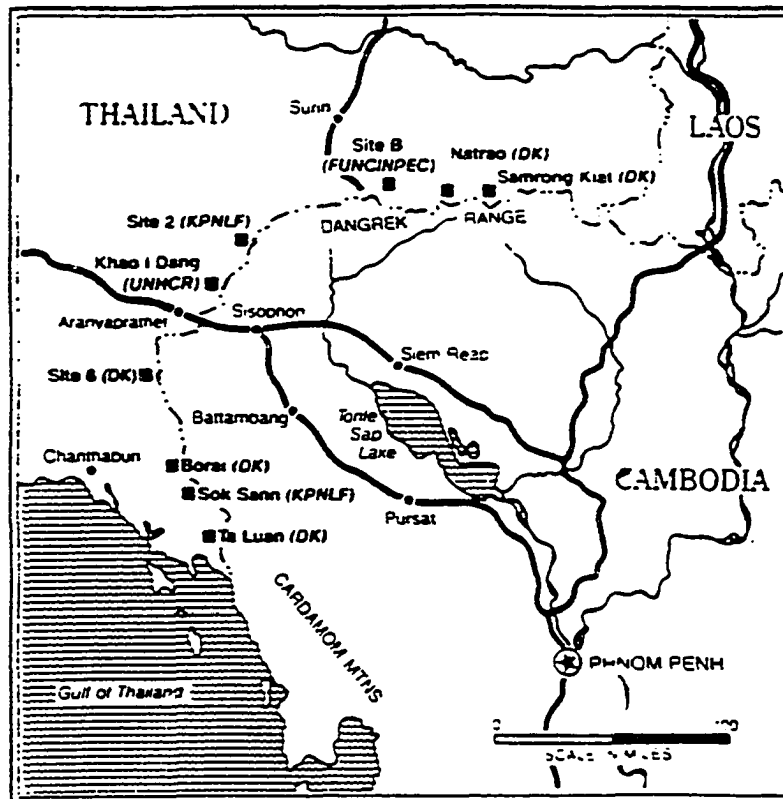
Our historical review has revealed that only after large-scale foreign financial support had been assured under the patronage of the UNHCR and substantial resettlement quotas had been promised by the United States and other friendly countries did

the RTG agree to permit large numbers of Indochinese to enter the Kingdom and gain sanctuary in UNHCR camps. The establishment of Refugee Processing Centers in Indonesia and the Philippines as part of the Comprehensive Plan of Action (1989) also did much to reduce the burden of Thailand and other countries of first asylum and make them more willing to provide temporary asylum to incoming refugees, particularly Vietnamese boat people.

Had the regional processing centers been available at the beginning of the Indochinese refugee migrations instead of after 1989, when the boat people exodus had reached its peak, a great many more refugees might have been rescued from the hazards of the sea or from border hostilities. Perhaps the efficacy of such centers, established in areas well away from the states from which refugees are being generated, is the most important lesson to be learned from the history of the Indochinese refugee migrations. The availability of such centers, along with the assurance of adequate funding of UNHCR operations on behalf of asylum seekers, is likely to remain the most important option for use in alleviating current crises, such as the influx of Burmese refugees into Thailand and Bangladesh, as well as other refugee crises which might arise in the region in the future.

D.W.H.

Appendix I

MAP OF THAI-CAMBODIAN BORDER REGION¹

Camps holding
displaced Cambodians,
under the control of:

- DK--Democratic Kampuchea (Khmer Rouge)
- FUNCINPEC--National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
- KPNLF--Khmer People's National Liberation Front
- UNHCR--United Nations High Commissioner for Refugees

Reprinted from Seeking Shelter: Cambodians in Thailand, Lawyers Committee for Human Rights.
Map by Pete Lukic.

¹ Found in USCR, *Refugee Reports*, 8, no. 9 (11 September 1987): 7.

Appendix II

Table 8: Foreign Bilateral Economic Assistance to Thailand (1971-1991)¹
Economic Grants/Concessional Loans (In \$U.S. Millions)

Year	Donors														Overall Total
	United States		Japan		Australia		W. Germany		Canada		Other		Total		
	Grants	Loans	Grants	Loans	Grants	Loans	Grants	Loans	Grants	Loans	Grants	Loans	Grants	Loans	
1971	30.0	3.0	3.6	11.9	4.9	0	4.1	-2.6	0.6	0.1	2.7	-0.7	45.9	11.7	57.6
1972	23.0	0	4.5	11.0	4.3	0	4.5	-3.8	0.4	0	4.3	0.2	41.0	7.4	48.4
1973	19.0	5.0	5.1	12.6	3.9	0	4.7	-4.6	0.3	0	4.9	4.7	37.9	17.7	55.6
1974	12.0	6.0	6.5	10.9	5.2	0	5.7	-4.2	0.3	0	6.4	14.9	36.1	27.6	63.7
1975	14.0	-1.0	7.7	33.5	5.5	0	6.0	-0.7	0.2	0	5.9	2.4	39.3	34.2	73.5
1976	7.0	2.0	8.3	34.8	6.4	0	6.5	-0.8	0.3	0	5.6	-0.7	34.1	36.7	70.8
1977	5.0	3.0	15.3	36.5	7.9	0	7.2	-0.4	0.3	0	7.4	4.0	43.1	40.5	83.6
1978	6.0	3.0	26.1	77.6	12.4	0	8.9	-2.8	0.4	0.5	7.5	78.3	61.3	87.9	149.2
1979	6.0	1.0	43.0	136.9	11.6	0	25.9	16.6	0.3	5.0	13.9	19.1	100.7	178.6	279.3
1980	15.0	1.0	70.2	119.3	8.7	0	13.2	42.9	0.3	7.7	21.6	5.0	129.0	175.9	304.9
1981	15.0	3.0	82.6	131.9	9.0	0	13.4	32.3	3.0	3.4	16.9	5.4	139.9	176.0	315.9
1982	18.0	5.0	61.2	109.1	13.2	0	17.9	7.6	4.2	4.0	16.3	14.9	130.8	140.6	271.4
1983	19.0	4.0	89.4	158.8	15.9	0	16.2	7.5	5.9	4.0	14.6	4.4	161.0	178.7	339.7
1984	28.0	7.0	90.4	141.6	22.6	0	18.4	7.7	13.9	3.1	18.6	5.8	191.9	165.2	357.1
1985	15.0	9.0	117.2	146.9	21.8	0	21.2	11.0	14.1	0	20.6	8.7	209.9	175.6	385.5
1986	26.0	6.0	125.8	134.7	18.7	0	24.9	2.8	17.2	0	27.5	7.5	240.1	151.0	391.1
1987	20.0	3.0	135.6	166.9	16.6	0	27.6	-5.7	24.7	1.6	36.3	9.2	260.8	175.0	435.8
1988	14.0	8.0	138.4	222.2	21.1	0	32.5	2.6	25.2	3.9	37.6	7.6	269.8	244.3	514.1
1989	23.0	8.0	204.5	284.4	30.8	0	31.9	7.0	23.4	0.7	42.4	1.3	356.0	301.4	657.4
1990	24.0	6.0	172.4	246.2	29.7	0	35.2	26.3	26.9	-0.2	56.6	9.6	344.8	386.9	731.7
1991	23.0	0	151.9	254.3	30.1	0	31.2	18.6	26.3	1.1	53.7	49.1	316.2	323.1	639.3

¹ Derived from *Geographical Distribution of Financial Flows to Developing Countries, Data on Disbursements, 1971 to 1977*, Organization for Economic Cooperation and Development, Paris, 1978, Section B: Disbursements to Individual Recipients by Category and by Donor, 228-9; *Geographical Distribution of Financial Flows to Developing Countries, Disbursements, Commitments, External Debt, Economic Indicators, 1976/1979*, OECD, Paris, 1980, Section B: Individual Country Tables, 180-1; *ibid.*, 1982/1985..., Paris, 1987, Section B, 224-5; *ibid.*, 1987/1990..., Paris, 1992, Section B, 264-5; and *ibid.*, 1988/1991..., Paris, 1993, Section B, 262-3.

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