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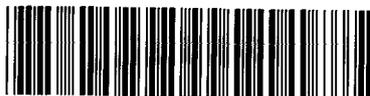
The Comprehensive Plan of Action  
For Indo-Chinese Refugees  
In Theory and Practice  
A Seminar Paper  
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by  
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## I

### Introduction

I have entitled this presentation "The Comprehensive Plan of Action for Indo-Chinese Refugees In Theory and Practice" to emphasize that I intend to first look at the CPA as a conception of international co-operation designed to address the problems related to the now 15 year old migration of Vietnamese and then to analyze its implementation in fact. The CPA is a sophisticated, some would say grandiose, international arrangement agreed upon by 30 states. When dealing with international relations and law it is easy to get caught up in abstractions and I hope you will try to resist that urge by asking yourselves throughout the next hour: How does this or that provision in the CPA affect individual Vietnamese?

My remarks are based primarily on my recent experience as an attorney with the UNHCR in Malaysia where I was primarily responsible with a small team of other lawyers for drafting and implementing national status determination procedures with the Malaysian Government to identify persons with a well-founded fear of persecution. Much of my time was spent interviewing Vietnamese asylum seekers to assess their



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## The Historical Context

As is true in many refugee situations, in Vietnam internal migration proceeded international migration. Internal migration on a large scale began in the 19th century with the growing integration of the larger Vietnamese landlords into the international economy. This process led away from subsistence agriculture and towards export production, driving large numbers of small landowners first into tenancy, then wage labor, and finally to migration to the cities or into peasant revolts, which were largely unsuccessful. This process was dramatically accelerated by the challenge to the subsistence economy from the relatively sophisticated administrative structure and taxation demands of the French colonial system. By the time of the Great Depression of the 1930s, which had devastating consequences on Southeast Asian export-oriented agricultural production, the subsistence economy had been so shattered, especially in the Southern region of Cochinchina, that both migration and peasant rebellions were common.

Later, in 1954, with the partition of North and South Vietnam, a second major internal migration occurred, bringing roughly 800,000 Vietnamese southwards. About two in three of these were Catholics.

Vietnamese migration became international in scope in 1975 when the Republic of Vietnam collapsed. At this point the Vietnamese migratory experience began to diverge in important respects from that of other migrations in the post-colonial world, especially in as much

as resettlement in the West was considered the most politically acceptable solution by the relevant international powers, rather than repatriation or settlement in a neighboring country within the region. Resettlement in the West, primarily the United States, was a preferred political option for a number of reasons, among them the strategic interests of the U.S. Government and the moral perceptions of the U.S. public, as well as the ethnic nexus in the Southeast Asian countries of first asylum, most importantly the domestic problems of integrating Vietnamese of Chinese heritage. In the late 1970s, the Carter Administration authorized the resettlement in the United States of 14,000 Vietnamese a month.

During the 1980s a coalescence of interests occurred that led to the drafting of the CPA. In the western countries of resettlement, many people questioned whether the Vietnamese one and all had valid claims to refugee status, whether conditions were improving in Vietnam, and whether many people were leaving Vietnam for other, allegedly less deserving, reasons. In the Southeast Asian countries of first asylum, the number of arriving Vietnamese refugees (who are referred to officially in the region as "illegal immigrants") was again increasing in recent years, after a ten year decline. These nations were increasingly weary of dealing with an apparently unending flow of migrants and dissatisfied with the declining commitment of the Western states to resettlement. They, too, wanted some new approach. Finally, the Vietnamese Government itself saw the boatpeople as a bargaining chip to secure greater integration into the world economy, especially credit, as well as diplomatic recognition, especially from the United

States. They, too, were willing to bargain.

One of the often stated purposes of the CPA is to place the Vietnamese on an equal footing with other asylum seekers. It is claimed by many, and with some justification, that until the introduction of the CPA in 1989, the Vietnamese held a privileged position among the world's refugees. This argument holds that the Vietnamese were comparatively privileged because, if they survived the dangerous journey to a first asylum country (and thousands did not), they were assured that, sooner or later, they would be resettled in one or another western country. Unlike Tamils seeking admission to the UK, Kurds seeking entrance to Germany, or Salvadorans seeking asylum in the U.S., the Vietnamese did not have to establish any persecutory experience at home. If they were alive, and they were Vietnamese, they would be resettled in the west.

However, it could to the contrary be argued that the Vietnamese are in an especially vulnerable position compared to other refugee populations. This argument focuses on the following factors: unlike African refugees, the Vietnamese have no opportunity for local integration; have only a tenuous hold on temporary asylum; face a frequently life-threatening form of refoulement; and are seeking protection in a region where even the 1951 Convention has not been ratified let alone where the greater protection offered by the OAU Convention exists. The Vietnamese, so this argument runs, also suffer by comparison with the Tamils, Kurds, and others seeking asylum in the West because these other groups have at least the possibility of

claims to refugee status. Because the CPA is a plan which encompasses nearly all of the Southeast Asian countries, my presentation shall not be restricted to procedures or events in Malaysia alone, though several of my illustative examples will be drawn from there.

Because my background is both in law and political science, I shall be discussing both the legal and the political dimensions of the CPA. Here, as elsewhere in the refugee world, it is often difficult, and usually not especially useful, to separate the legal and political issues.

First, I want to briefly establish the historical context which lead to the drafting of the CPA, to give an overview of the basic component parts of the Plan, and to establish how the document is intended to work in theory. Then I shall look in more detail at several of the controversial legal and political issues of the Plan as implemented. Here, I shall comment about four aspects of the CPA: (1) the legal commitments made by the Government of Vietnam; (2) the responsibilities of the so-called first asylum states in the region; (3) the status determination processs; and (4) repatriation to Vietnam of persons denied refugee status. At that point, perhaps we can together discuss the controversial parts of the plan.

benefiting from other forms of legal protection such as B-status, Humanitarian parole, or extended voluntary departure. For the Vietnamese, only the classic definition of refugee codified in the 1951 Convention applies without benefit of any of the developments in refugee law over the past generation.

These differing arguments regarding the Vietnamese raises the methodological problem we face is comparing refugee situations within and between regions. At the outset we must ask ourselves: With whom should the Vietnamese be on an equal footing? With other Indo-Chinese refugees? With refugees in other regions of the developing world? With other asylum seekers being considered for asylum and permanent resettlement in the West? The answer to this question has, as we shall see, direct implications for the normative analysis of the CPA as well as consequences for policy. How we conceive of the situation implicates whether return to Vietnam, overseas resettlement, or a regional accomodation is favored.

### III

#### The CPA in Theory

The diplomatic process which culminated with the signing of the CPA agreement in Geneva in June, 1989 was initiated by the Malaysian Government motivated by frustration with the continuing and recently increasing arrivals of boat people, the diminishing commitment of the Western states to resettle these people, and local hostility towards the Vietnamese. Such hostility is strongest on the East Coast of

Penninsular Malaysia, the area most directly affected and where ethnic and religious differences clearly separate the local population from the Vietnamese.

The stated purpose of the CPA is to balance the need to protect bona fide refugees with the deterrence of all others seeking to emigrate through irregular channels, such as taking to the sea, rather than through officially sanctioned immigration channels, such as the Orderly Departure Programme, which allows some to exit Vietnam directly to the West.

Despite its name, the CPA is not a Comprehensive Plan for all Indo-Chinese refugees. One should always be suspect of plans alleging to be comprehensive, and the CPA is no exception. It explicitly does not speak to the Cambodian or Laotian situations. It is strictly a plan for the Vietnamese.

Like all international agreements, the CPA is a product of compromise. For example, the UNHCR sought to use the definition of "refugee" employed by the OAU Convention in Africa, which would considerably widen the group found to be refugees in Southeast Asia. The western resettlement states opposed this recommendation. For them, resettlement of other refugee populations is at least officially, if not in fact, tied to the application of the UN Convention definition.

All of the signatories to the Plan recognize that it will succeed only if each participant -- the first asylum states, the resettlement

states, Vietnam, and the UNHCR -- adhere to their obligations. If one party defaults, the Plan fails. Most international agreements in the past have failed, and the CPA may well follow their lead.

The CPA includes 6 main provisions covering: the control of clandestine departures; an increased and expedited orderly departure program; the reception of new arrivals in the states of first asylum; the determination of refugee status; resettlement in the West of bona fide refugees; and repatriation of those denied refugee status. The fact that the first two provisions address the control of departures reflects both the chronological design of the CPA and its deterrent intent.

In rough outline, the CPA calls, first, for Vietnam to broadly publicize the end of open migration from the first asylum states to the West and the introduction of status determination procedures in those states. It further obligates Vietnam to try to stem the so-called illegal departure of boats, especially by the apprehension and prosecution of boat organizers. Vietnam also agrees to expedite and expand the Orderly Departure Program. Furthermore, the Government is obligated to grant an amnesty to all those boatpeople who have been denied refugee status and who repatriate voluntarily. An amnesty is required because illegal exit from Vietnam is a criminal offense, punishable by up to three years in prison, and varying degrees of punishment for exit are, or until recently, were, common. Finally, Vietnam is obligated to allow monitoring by UNHCR of those persons returned in order to confirm that their human rights are not violated.

The countries of first asylum are required to permit all asylum seekers from Vietnam to land on their shores and to refrain from pushing boats out to sea, returning them to Vietnam, or redirecting them onwards to other Southeast Asian destinations. They are required to allow UNHCR access to all asylum seekers at all times. They must conduct a refugee status determination process, which varies in detail from state to state, but must include an interview of every head of household, observer and advisor status for UNHCR, and some form of review for those denied refugee status in the first instance.

The countries of resettlement are obligated to accept all Vietnamese arriving in the first asylum states before a specified date, known as the "cut-off" date, as well as all those who arrive after that date and prove that they have a well-founded fear of persecution. The cut-off date varies throughout Southeast Asia. The earliest cut-off date was June, 1988 in Hong Kong and the most recent was March, 1989 in Malaysia and Thailand. Finally, the countries of resettlement are to accept the results of the status determination interviews conducted by the governments of first asylum as monitored by the UNHCR. No further interviewing is to take place.

All of these countries are to allow applicants whose claims to refugee status have been denied, an opportunity to repatriate voluntarily and with dignity.

For its part, the UNHCR acts as facilitator of the CPA, monitors

the status determination interviews and the welfare of those returned to Vietnam, and financially underwrites the cost of running the refugee camps and status determination process in the first asylum states. In a nutshell, that is the logic of the CPA.

#### IV

#### The CPA in Practice

The CPA is operating in an environment where the UN Refugee Convention and Protocol have not been ratified by any of the first asylum states save the Philippines. The UNHCR is frequently reminded that it and the Vietnamese refugees are there only on the sufferance of the Southeast Asian Governments. These states argue with some authority that they have few, if any, obligations towards refugees under international law.

However, the legal position of the First Asylum States is not uncontestable. First of all, such concepts of international refugee protection as non-refoulement may, given the ratification of 106 states, constitute customary international law. Second, it is the Southeast nations themselves which convened the CPA negotiations, and the CPA itself incorporates important parts of the Convention. It is not controversial that the CPA binds the Southeast Asian countries that signed it and that they are obligated to conform to the explicit references to the Convention, at least with regard to the Vietnamese. Therefore, when the Southeast Asian states adopted the CPA they accepted fairly extensive obligations towards Vietnamese refugees which

arguably diminishes the importance of their non-ratification of the Convention.

How well has Vietnam conformed thus far to its commitments under the CPA? First, recall that the Government there is obligated to broadly announce the new reception boatpeople will receive throughout Southeast Asia. In fact, long after the cut-off date, many persons arrived in the first asylum states without any idea that the situation had changed. Announcement of the CPA took place mostly in the larger cities, yet many, perhaps most, of the people leaving Vietnam at the present time come from rural areas or small towns. No announcements were made prior to the cut-off dates for fear that many more Vietnamese would be motivated to leave Vietnam in order to beat the deadline. As a result, thousands of people arrived in the countries of first asylum without any notice that the rules had changed.

Vietnam is also obligated to apprehend and prosecute persons who organize boats leaving Vietnam. The legality of such a policy is at least questionable, though all the parties, including the UNHCR, subscribe to it. Vietnam does so because leaving the country without authorization is illegal according to its domestic laws. The first asylum and resettlement states do so because controlling boat organizers will diminish migration and the attendant duties migration imposes on these states. UNHCR does so for less clear reasons, but states officially that travelling by boat is extremely dangerous, that many of the boat organizers take unscrupulous advantage of their clients, and that more routinized methods of migration, such as the

Orderly Departure Programme, are more humane.

These arguments, however, do not adequately take into consideration the many international legal instruments which establish the right of persons to leave their country of origin, or the fact that the ODP has not worked successfully for many categories of persons, or that victims of persecution are least likely to come forward for an official emigration programme. UNHCR's confidence in the ODP lacks empirical support, especially with regard to persons most in fear of persecution. UNHCR and others find it unethical that boat organizers profit financially from other person's misery. An alternative argument can be made that boat organizers are in many cases providing a crucial service to persons in life-threatening conditions, and there is no reason to think that they should do so in saintly fashion for free. In fact, many so-called "boat organizers" make arrangements for their families and friends without pay, revealing that factual determinations in individual cases are both necessary and difficult. It can be argued that some boat organizers are helping to secure an internationally established right of exit in manner that governments and the UN are not.

I shall defer for a moment my remarks concerning Vietnam's duty to allow monitoring of persons returned to Vietnam and the Government's willingness to only accept persons who voluntarily repatriate until my discussion of repatriation in general.

Have the first asylum states lived up to their commitments under

the CPA? Regarding the commitment to allow the Vietnamese temporary entry in order to establish their claim to refugee status, the answer is clearly no. The Malaysians in particular have violated their commitment to allow the boatpeople to land. After a ten year interruption, the Kuala Lumpur Government has resumed an aggressive policy of pushing boats away from the east coast of penninsular Malaysia. This policy is intensifying. In the first three months of the CPA being in force, the UNHCR had confirmed 2500 persons arriving in Indonesia, Singapore, and as far away as Australia. The number today is over 5,000. These figures do not include an indeterminate number of people who were lost at sea or unidentified on the outer islands off Borneo. UNHCR was reluctant at first, and remains lackluster, in its efforts to halt the push-offs because doing so could well jeopardize the overall success of the CPA. This raises the question whether any plan, especially one designed with deterrence in mind, should be favored over enforcement of basic international laws, such as non-refoulement. At a minimum, the victims of the push-offs are being viewed and treated as the short-term loss which may bring a larger long-term gain by eventually deterring migration. Such legal, political, and moral calculations are at least subject to question, especially if acquiescence leads to the erosion of elemental protections for refugees such as non-refoulement. Here, the fact that the Southeast Asian states are not signatories of the Convention is, from my viewpoint, irrelevant, because they have accepted the principle of non-refoulement at least with respect to the Vietnamese as well as UNHCR access to asylum seekers by acceding to the CPA.

Are the first asylum states allowing UNHCR access to all arriving refugees? The answer here, too, is no. UNHCR is not notified of all arriving Vietnamese and, in Malaysia, chases the Army up and down the coast gathering information about boats which have been pushed out to sea. Access by UNHCR to those Vietnamese fortunate enough to land is also limited, allowing for regular intimidation, sexual molestation, and extortion, perpetrated both by the authorities and by one refugee upon another. Access to the refugees by UNHCR is crucial for the Organization to fulfill its protection mandate. What is interesting in a rather perverse way in Malaysia, which has a federal political system with strong powers guaranteed to the states, protection can be denied by either the central government, the regional military, the state military, or the state police. The fact that the national government in Kuala Lumpur commits itself to the various provisions of the CPA, including UNHCR access to refugees, has no binding authority on, for example, the state militia. Thus, the central government may conclude an international agreement such as the CPA without any clear authority to bind other officials in the federal structure regarding any matter which implicates territorial control, so that officials at many levels of government can hold veto power over access, protection, and many other issues.

Are the first asylum states meeting their commitments to conduct a status determination process which is likely to lead in most cases to an accurate assessment of an applicant's claim? Here the answer is more complex. Amnesty International, among others, has faulted the Hong Kong authorities for the inadequacy of their procedures. Several

lawyers from the UK and US are bringing a legal action against the Hong Kong Government because of the deficiencies of the procedures as implemented. In other first asylum states, initial and tentative indications are that the status determination process has greater integrity.

The question immediately arises about the appropriateness of using the Convention definition in the Southeast Asian context and the suitability of individualized interviewing in a mass migration environment. As you know, the Convention definition was conceived with the European War experience in mind and by and large it has been avoided wherever politically possible in the developing world. As a general rule, the Convention definition is used wherever permanent resettlement in the West is considered. The definition may not capture the reality of why people leave Vietnam, but it does reflect the refugee admissions criteria of the resettlement states.

Similarly, reflecting western notions of individual entitlement, asylum seekers applying for permanent admission in the West are interviewed on an individual basis. An overall theme of the CPA is to place the Vietnamese on an equal, not a preferential, basis with all others who seek resettlement, which would argue in favor of individual assessments of refugee status. However, the political and administrative clash comes in applying individualized determinations in an environment of mass migration from a developing country by an implementing party comprised of local military and immigration personnel for whom refugee status determination procedures, human

rights conditions in Vietnam, use of translators, and cross-cultural interview techniques, other than interrogation, are unfamiliar.

Ultimately, however, the integrity of the status determination procedures rests as much upon political decisions made by the first asylum government as the details of the procedures themselves. If governments pre-determine the outcome, which may be the case in Hong Kong, then no set of procedures can assure a fair hearing for the Vietnamese. If, on the other hand, the officials at the top decide to let the chips fall where they may, then the procedures as written in the CPA stand a fair chance of yielding accurate decisions, though the appellate process in most instances is especially suspect.

Why is it that the governments in Southeast Asia are responsible for conducting the interviews when resettlement will occur in the West? The standard answer, given both by the Southeast Asian governments and the UNHCR, is that status determination should be conducted by the first asylum states as a simple matter of national sovereignty. This answer is problematic. Whose sovereignty is in fact implicated by the status determination procedure? I would suggest that it is the sovereignty of the resettlement states more than the states of first asylum that is at issue. We know for certain that wherever the Vietnamese end up, it will not be in the first asylum states. It is interesting, both as a matter of international politics and law, that the resettlement states are allowing other governments, with interests that clearly diverge from their own, to determine for them the group of bona fide refugees who will ultimately become Australian, Canadian, or

American citizens.

This is especially true given the strong urge by the states of first asylum to find an easy, quick solution to the boatpeople problem. These governments know that every recognized refugee will be resettled in the West, whereas every unrecognized refugee is a problem, because return to Vietnam is more in doubt. Would it not be more efficient, politically palatable, equitable to the refugees, and in greater conformity with international legal practice to have refugee status determined by UNHCR alone? Doing so would place the Vietnamese on an equal footing with all other asylum seekers arriving in Southeast Asia from Iran, Pakistan, Sri Lanka, and elsewhere whose claims to refugee status are assessed by UNHCR itself.

For their part, the resettlement states have been much criticized. But their basic commitment to expeditiously resettle the pre-cut-off population has been kept. The resettlement states committed to resettling all pre-cut-off refugees within three years and so far they are significantly ahead of schedule. These states have expressed reservations about the interviewing process and have indicated that in the future they may conduct interviews of their own, which would violate the CPA. Also, conflict among resettlement states exists as to how many each will admit and who will admit the most desirable refugees. But as a group, they have met their primary obligations to this point.

Regarding UNHCR's role in the CPA I want to make only one point,

which brings us back to Vietnam itself. UNHCR is responsible for monitoring those Vietnamese who return to Vietnam. Establishing even a minor monitoring role for an international organization was itself an achievement. However, UNHCR at the present time is simply incapable as a financial and administrative matter of conducting any credible monitoring of human rights in Vietnam. To a lesser extent it is administratively unable to fulfill its responsibilities to monitor the status determination procedures as well. It is troubling that UNHCR, after making the commitment to do so, is unlikely in fact to conduct adequate monitoring. Human rights violations in Vietnam may or may not occur for those who are returned, but if such violations do occur, a meagre UNHCR presence will only serve to legitimate them. This is similarly true with the understaffed presence of UNHCR in Hong Kong where their inadequate presence is being used by the Hong Kong authorities to legitimate a faulty status determination process. Respect for human rights differs greatly from one village to another in Vietnam. Local authorities are often beyond the control of the central government in Hanoi. Thus, even if the central government is well-intentioned and commits its officials to respect the human rights of those returned to Vietnam, compliance may well be uneven. Therefore, robust monitoring of the returned is crucial for the welfare of individual Vietnamese and for the successful implementation of the CPA.

I want to reserve my final remarks for the notion of "voluntary repatriation." This idea is referred to explicitly in the CPA. Vietnam has firmly and repeatedly stated that it will only accept those Vietnamese who choose to return voluntarily. The United States, the United Nations, and many governments and voluntary organizations around the world have criticized the British and Hong Kong governments for returning some Vietnamese in a less-than-voluntary manner. To the extent that the CPA is a plan to discourage migration by non-refugees, repatriation is crucial as a deterrent. Simply put, the CPA and the international effort to address the problem of the Vietnamese boatpeople will fail if those determined to be non-refugees are not, in some manner or other, returned to Vietnam.

With that said, I want to suggest that, in the Vietnamese context at the present time, "voluntary repatriation" cannot occur except in the rarest of cases and, as a legal matter, is an incorrect characterization of the problem. In my six months in Malaysia I spoke with hundreds of refugees and virtually none of them would voluntarily return to Vietnam. Some threaten suicide in order to prove their point. In Hong Kong, the only place where repatriation is an immediate concern, the camp populations are regularly expressing their opposition by acts of violence. This is not a population that will return voluntarily in any normally understood sense of that term. Just as the distinction between political and economic refugees often fails to capture the complexity of actual circumstances, so, too, the distinction between "voluntary" and "forced" repatriation fails to capture the real situation. In fact all repatriation occurring now to

the Government of Vietnam wants to accept those who return voluntarily because all others are viewed as presenting a security threat to the state and because a policy of voluntary repatriation allows for compromise if reciprocal concessions are made by the West.

As a matter of international law, I am uncomfortable with the use of the term repatriation, whether voluntary or forced, as a description of the situation in Southeast Asia as governed by the CPA. There are only two possibilities in the first instance: either an applicant will, or will not, be recognized as a refugee. In the second instance there are only two more possibilities: if she is recognized, she will be resettled. Or, if she is not recognized, and is hence not a refugee, but an illegal immigrant, she will be deported back to Vietnam. Repatriation, voluntary or forced, only applied to bona fide refugees, or, arguably to asylum seekers who have not had a full and fair opportunity to have their status assessed. But, if the status determination procedures have integrity, then denied applicants may be returned as a routine matter of deportation under immigration law and Vietnam is obligated to re-admit them. To the contrary, if the status determination procedures lack integrity, then bona fide claimants will illegally be refouled to Vietnam. Therefore, international attention and effort should be focused on the the design and implementation of the procedures themselves in order to assure that those being returned to Vietnam are not being refouled. I would argue that the primary difference in this context between routine deportation and illegal refoulement is the integrity of the status determination procedures as implemented. These procedures may in some respects be faulty in

Vietnam, or likely to occur in the coming several years, is, to one degree or another, coerced. It is only a matter of the degree of coercion used. We need to ask ourselves: at what point is repatriation coerced? When food rations are cut 10%? 20%? When daily water rations are reduced from 3 cups to 2 cups? Or is it only when the police come in force at night to escort people to the airport? I would suggest that what occurred in that nocturnal flight from Kai Tak airport in Hong Kong was only a more extreme case of a long-standing practice to locate the balance point between deterrence (heretofore involving poor camp conditions) and avoiding international opprobrium. For the Hong Kong authorities, the airport expulsion was a miscalculation of that balance point which resulted in international condemnation. It was not, in their view, a fundamental error in policy.

Why is it that Vietnam is the party insisting on "voluntary" repatriation? What is the legal standing of their position? The Vietnamese government claims that international law requires only voluntary repatriation and all other policies would be contrary to human rights norms. Such an argument coming from the country in the region which itself is the source of the human rights problem is, in my view, curious. Moreover, it is an ironic and incorrect twist on international law. Under both modern conceptions of international human rights law, and much older, uncontroversial conceptions of nationality law, Vietnam is obligated to re-admit its own nationals, whether they have returned voluntarily or were deported, or refouled, or simply denied entry to another country for dozens of every day visa and immigration reasons. Contrary to the stated basis of its policy,

design. Although it is important to correct those design defects, it is equally important that, however designed, the procedures be implemented without the influence of a pre-determined result or political agenda.

## VI

### Conclusion

No matter how complex or sophisticated the CPA is as an international accord, it is, in the end, a salve, not a comprehensive treatment. It is a salve applied governments most of whom have dirty hands and few of whom are willing to act in the recognition that each bears some responsibility. As a student of international relations, I find the CPA intriguing because many of us have been talking about regional and international burden sharing for some time and, now, here it is in the flesh. Yet now that it is here, I, for one, wonder if collective burden sharing can ever be a full substitute for old fashioned individual responsibility. I worry about whether the UN, when it acts as the midwife for these international accords, is in the end unwittingly helping to abort old norms such as non-refoulement. I wonder if these Comprehensive Plans are any substitute for a great power having the courage to forgive and forget or for a visionary national liberation movement to take the rights of its people seriously now, not just in the future. Last autumn, I also wondered, as I sat in that interview room in that pathetic little refugee camp on the South China Sea during the months when the Eastern European World was turned upside down what would have happened to Poland if Lech Walesa had left for a visiting fellowship at Oxford or Cambridge in 1981 when the going

got rough. What would there be of Poland now if all the Lech Walesas had left? Was there a lesson there for Vietnam and its boatpeople?