

CHAPTER III

THE EMERGENCE OF VIETNAMESE REFUGEES IN INDONESIA

In this chapter the writer will provide about the information about short history of Vietnam wars that became the trigger of Vietnamese exodus. It will be followed by the information about the first emergence of Vietnamese refugee in Indonesia and how Indonesian government responds the case.

A. The Result of Vietnamese War

The emergence of Vietnamese refugee was the result of Indochina Crisis, Vietnam War or mostly known as Indochina's second war is the war which emerged from 1954 until 1975 in Vietnam. Indochina war started with the establishment of a communist state in the north (the Democratic Republic of Viet Nam also known as North Viet Nam) and a separate state in the south (the Republic of Viet Nam also known as South Viet Nam). With the founding of a communist government in the north, more than a million people moved south during 1954-1956. (UNHCR, 2000)

In the time during 1950 until 1960, United States started the war against communism. After independence from French colony, Vietnam was spread into two parties which are Communist North Vietnam (Vietcong) allies with Soviet Union and China and Non-communist South Vietnam allies with United States, South Korea,

Thailand, Australia and majority of Vietnam people. (Use with United States: Civil War to Today)

Colonialism in Vietnam spread when Ho chi minh help the establishment of Indochinese communist party in 1930, which aimed to overthrow French imperialism, Vietnamese feudalism and reactionary bourgeoisie and also to make Indochina completely independent. It became a point of conflict when France establish the Independent Vietnam or Democratic Republic of Vietnam lead by Bao Dai and its rejected by the communist parties supported by China which recognize the Republic of Vietnam lead by ho chi minh. (Walbert, 2010)

As their background from communist, Vietcong tried to overthrow Vietnam government in the early 1960s, there was renewed conflict in South Viet Nam. Anti-communist forces, supported by th United States, in that time as a response of United States fight against communist. There is around 2 million civilians on both sides and some 1.1 million North Vietnamese and Viet Cong fighters were died in this war¹. The U.S. military has estimated that between 200,000 and 250,000 South Vietnamese soldiers died in the war. United States sent over 500,000 troops to stop the spread of communism by Vietcong. In the next five years, united states increase the number of weaponries and military to end the Vietcong emergence. Vietcong move in small group, spreading around jungle and controlled most of South Vietnam.

¹ Vietnam War |1954 – 1975, accessed on : November 2nd 2016 from : <https://www.britannica.com/event/Vietnam-War>

In 1973, Ceasefire treaty was signed in Paris by conflicting parties followed by the United States troops' withdrawal. But, the treaties not bring this war into the end, it just the beginning of the Vietnam republic to start against the Democratic republic of Vietnam. This internal conflict was ended by the conquest of South Vietnam by Democratic Republic of Vietnam which involve the emergence of Vietnam Socialist Republic. ²

After the fall of Saigon in 1975, many rumor spread in Vietnam including slaughter issues which strengthened by statement of north Vietnam armies was entered South Vietnam area. This condition create a panic situation while, In that time also the rumor of president will leave Vietnam increase the fright of Vietnam people and make them think Saigon will conquest by the communist.

In this flare up condition, United States decided to evacuate all of their citizen and some South Vietnam people which cooperate with them to United States. In this situation the decision to leave Vietnam became more intensified because of the rumors that everyone who had worked with the American will get severe punishment when the communists controlled Saigon (Robinson, 1998).

After the resignation of Nguyen Van Tieu (President of South Vietnam from 1965-1975) United states start the big evacuation program including Vietnam people, this evacuation is the first start of Vietnam refugee. In the next week before the fall of

² Cease-fire goes into affect – January 28th 1973 accessed on December 1st 2016 from : <http://www.history.com/this-day-in-history/cease-fire-goes-into-effect>

Saigon, 7.500 people flight from Tan Son Nhut airport to Philippines and Guam. United states started the “frequent wind operation” with dozens number of helicopter to picked up the refugee in several determined point, until the fall of Saigon United states evacuated more than 65.000 Vietnam people. (Grant, 1979) Vietnam also used their aircraft to evacuate the people, they pay for more than \$10.000 for evacuated to United States military base in Thailand, meanwhile the rest of them tries to leave Vietnam by military ship, raft, fishing boat, and even using a float. (Robinson, 1998)

B. The Exodus Of Vietnamese Refugees

Vietnamese boat people is a group of people who is spreading around the open sea by boat to reach the other land by boat in mission to gain secure place to live after Vietnam War. This group of people sailed without any direction or even enough supply during their journey. Most of them sail by using fishing boat, while the others use small boat with overcapacity passengers. Vietnamese boat people destination is the Southeast Asian countries of Malaysia, Indonesia, Thailand, Philippines, and Singapore plus the British colony of Hong Kong.

Many people was killed in this huge number of migration caused of typhoon, starvation, and also piracy. Most of them sailed in small crowded boats which made them weak and potentially attacked by pirates in the sea. The main reason of Vietnam people flee from their countries is because of the unstable condition after war and also the fear of Vietnam people under the role of communist. The restructure

government system, re-education camp, economic and political pressure make the situation became worst and forcing them to leave their homeland.

Facing this humanitarian crisis, several countries in Southeast Asia with some Developed Countries cooperated and tries to gain best solution in solve this problem by create the temporary processing site before resettle them to receiving countries, which also make this reason as a main factor of Vietnam people to flee to another land aimed to gain security and also safe place to life.

The huge number of boat people leaving Vietnam and arriving safely in another country totaled almost 800,000 during 1975 until 1995 which make this as big problem for several countries in Southeast Asia including Indonesia. The huge wave of boat people from Vietnam in 1978 and 1979 caused an international humanitarian crisis with the Southeast Asian countries increasingly unwilling to accept ever more boat people on their shores. (UNHCR, 2000) The vessel Southern Cross landed on 1,200 Vietnamese on desolate island in Indonesia. At the first, Indonesian government feel burdened with this people being landed on its territory, but it was easier when western countries granted to resettle the refugees.

In the beginning of this mass refugee wave, some countries authority also rejected them by pushed them off and refuse to let them enter the land. There was not a country in the Southeast Asia region that had already became the signatory of the 1951 UN Refugee Convention or the 1967 Protocol which made none of the countries

in the region willing to receive Vietnamese refugees and gave them permission to stay permanently. Even there were some would not give permission to the Vietnamese refugee to stay in their country as temporary refugees.

Singapore as one of the country in Southeast Asia had already refused the coming of the refugees who did not have guarantees of resettlement within 90 days. Also, other countries like Malaysia and Thailand preferred to push the refugees boats away from their territories. When Vietnamese boat arrivals escalated dramatically in 1979, with more than 54,000 arrivals in June alone, boat 'pushbacks' became routine and thousands of Vietnamese may have perished at sea as a result.

On June 1979, five members of the Association of Southeast Asian Nations (ASEAN) which were Indonesia, Malaysia, the Philippines, Singapore, and Thailand issued a warning that they had 'reached the limit of their endurance and had decided that they would not accept any new arrivals'.³ From negotiations and international conference in 1979, Vietnam limit the number of people leaving their country while southeast Asian countries agree to accept them temporarily, and the developed countries agreed to accept the boat people then resettle them in their countries. (UNHCR, 2000)

The conference in 1979 resulted to immediately prevent the crisis before it became worst. There is written on the three way agreement between the countries of

³ 'Joint Communiqué Issued at the Twelfth ASEAN Ministerial Meeting, Bali, Indonesia, 28–30 June 1979', in Thai Ministry of Foreign Affairs, Documents on the Kampuchean Problem: 1979–1985, Bangkok, 1985, p. 78.

the refugee origin , the countries of first asylum and resettlement countries, and also the ASEAN countries promised to uphold commitments to provide temporary asylum meanwhile Viet Nam tried to prevent illegal exits and to promote orderly departures, and as long as third countries recover and stabilize the rate of their citizen resettlement. The establishment of Regional Processing Centre was agreed by Indonesia and Philippines. With the intention of help the process of refugee resettlement run efficiently, and with exceptions, pushbacks were terminated. UNHCR is operating in Indonesia with the agreement of the Government of the Republic of Indonesia. The Indonesian Immigration Directorate General issued a Directive in 2010 (No: IMI-1489.UM.08.05) which states that persons seeking asylum or refugee status are to be referred to UNHCR for RSD and that “the status and presence of aliens holding Attestation Letters or identification cards issued by UNHCR as asylum seekers, refugees or persons of concern to UNHCR, must be respected”. Persons without those documents will be subject to detention, fines, and/or deportation.⁴

International resettlement, which had been taking place at the rate of around 9,000 per month in the first half of 1979, increased to around 25,000 per month in the latter half of the year. Between July 1979 and July 1982, more than 20 countries led by the United States, Australia, France, and Canada together resettled 623,800 Indochinese refugees (Robinson, 1998).

⁴ Legal Framework and Role of UNHCR to RSD | Suaka, accessed on December 1st 2016 from : <https://suaka.or.id/2015/07/09/legal-framework-and-role-of-unhcr-to-rsd/>

C. Indonesian Government's Response

Protection against refugees basically is the responsibility for every country. The provision problems of refugee in refugee or of asylum seekers had become international issues. Since long time, many countries receive and provide protection for citizens who were victims of oppression or violence in the country of their origin place. (Wagiman, 2012) In dealing with the problem, UNHCR is the organization that has a big role to cooperate with states that will help refugees. However, Indonesia is not the signatory of protocol 1951 about refugees management. It was due to incapability of Indonesia to provide jobs for refugees who are accepted in Indonesia. Indonesia prefer to use its constitution to regulate about foreigner and immigration. (Sultoni, Widagdo, & Suryokumoro, 2013)

After the 1979 convention, the granted of resettlement countries make some countries in Southeast Asia started daring to allow the admission of refugees in its territories , but the number of arrived refugees and the refugees who sent to the third countries unbalanced and has resulted buildup of refugee. Regarding to this issues, in February 1979 ASEAN foreign minister held a conference in Bangkok. In this conference, Indonesia and Philippines offering for create temporary shelter in their area which aimed to help UNHCR easier to collect data before sent the refugees to the third countries (Weatherbee, 2009).

Galang Island was chosen by Indonesia as a temporary processing center because this island fulfilled all of refugee camp criteria. The camp had an area about

16 square kilometers, which was approximately 20% of the island. Galang island itself was located in Riau Archipelago province. In the running of Galang camp, there were enough infrastructures needed by refugees. It was equipped by a camp administration office, PMI (Indonesian Red Cross) Hospital, schools services, Catholic churches, Buddhist temple, cemetery, and a Youth Center (set up and run by the refugees themselves). In plotting the refugees, the Camp itself was divided into three sites to accommodate about 250,000 boat people from Cambodia, Laos and Vietnam from 1975 to 1996.⁵

The management and infrastructure in this island were conducted by Indonesian government with UNHCR cooperation. UNHCR and donor countries bear the management cost, meanwhile Indonesian government focus on technical sector for the refugees. The decision of Indonesia to contribute in solving the problem of Vietnam refugees also to reduce a negative view from the international community related of humanitarian crisis which faced by Indonesia at that time.

Review the position of Indonesia as a country that did not ratify the Convention on refugee status of 1951 and the 1967 protocol on refugees, it can be seen the role of Indonesia in handling the case this only as the receiving country for refugees and not concern about the refugees themselves. So in Vietnam refugee case, the cooperating role between UNHCR and IOM greatly assisting Indonesia position

⁵ Refugee Camps, accessed on November 29th 2016 from :
<http://www.refugeecamps.net/GalangCamp.html>

as a countries which not ratified in 1951 and 1967 protocol. Indonesia Government simply does not have the authority to determine whether a person or group of people requesting refugee status, are recognized as refugees. The authority is exercised by the UNHCR, without government intervention.

As Indonesia is not a signatory to the 1951 Refugee Convention, the government has allowed two international institutions to deal with asylum seekers⁶; The first is The Office of the United Nations High Commissioner for Refugees (UNHCR) oversees refugee status determination, resettlement, and repatriation. And the second, The International Organization for Migration (IOM) is responsible for day-to-day assistance, including providing food, accommodation, and healthcare; asylum seekers and refugees remain IOM's responsibility until they are resettled in a third country or voluntarily return home.

⁶ Legal Framework and Role of UNHCR to RSD | Suaka, accessed on December 1st 2016 from : <https://suaka.or.id/2015/07/09/legal-framework-and-role-of-unhcr-to-rsd/>