The best should not be allowed to become the enemy of the good

A Case Study of Repatriation and Resettlement of Montagnard Refugees

Preface

This thesis is the product of a three-month field study in Cambodia during which I relied on the time, thoughts and inputs of a number of organizations and individuals.

I would like to express my sincere gratitude to the respondents of this study: Mr. Raymons Alikpala from United Nations High Commissioner for Refugees in Phnom Penh, Dr. Vincent Keane from International Organization for Migration mission in Cambodia, Ms. Anne Peeters (formerly) from Jesuit Refugee Service Cambodia, Mr. Donald B. Coleman from the American Embassy in Phnom Penh, Ms. Sara Colm from Human Rights Watch and Mr. Scott Johnson of Montagnard Foundation Inc. Without their insights and openness, this thesis would not have been possible.

A particularly warm thank you goes to my supervisor Mr. Bjørn Møller for his advice and support.

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Summary (in Danish)

Specialets overordnede fokus er sammenhængene mellem tvunget migration (flygtningestrømme) og tidens fremherskende sikkerhedsparadigmer. Ydermere undersøges sammenhængen deraf mellem de idealer, der er for beskyttelsen af flygtninge og de løsninger, der i praksis kan implementeres i felten.

Det er et casestudie af en gruppe flygtninge (en etnisk minoritets kendt under det kollektive navn *Montagnards*), der flygtede fra systematisk og voldelig undertrykkelse i Viet Nam til Cambodia, hvor de kom under midlertidig beskyttelse i FNs Højkommissær for Flygtninges (UNHCR) regi.

Specialets formål er at undersøge, hvorfor grupper af disse Montagnard flygtninge blev sendt tilbage til Viet Nam til reintegration i deres hjemegn, mens andre blev sendt som internationale flygtninge til såkaldte sikre tredjelande; hovedsageligt til U.S.A. og i mindre tal til Canada, Sverige og Finland.

Casen strækker sig over en periode på fem år (2000 til 2005) og omfatter 2294 Montagnard flygtninge. Studiet er foretaget på hermeneutiske principper og de empiriske data består af officielle reporter, interne dokumenter og kvalitative interview med seks repræsentanter for interessenter. Der er desuden elementer af observantstudie.

Studiet tager sit teoretiske udgangspunkt i *human security* paradigmet, som opfordrer til at man ændrer fokuset i sikkerhedsstudier fra det interstatslige niveau, til at prioterer det enkelte menneskets velfærd. Kombineret med migrationsproblematikker betyder dette, at løsninger til flygtningesituationer bør være at søge at maksimere flytningernes fremtidige velfærd - både ved at søge at sikre deres fremtidige fysiske sikkerhed, grundlæggende livsvilkår såvel som psykosociale fremtid. Hypotesen i dette speciale er, at teste om det er værdierne i *human security* paradigmet, der drev beslutningsprocesserne bag enten at sende Montagnard flygtningene tilbage til Viet Nam eller at sende dem til tredjelande.

Specialet konkluderer, at flygtninges *human security* kan tilgodeses både ved frivillig tilbagevendelse til Viet Nam og ved permanent asyl i tredjelande. En sikker hjemsendelse kan være en styrke i forhold til de psykosociale aspekter af *human security*, mens permanent asyl i tredje lande lader til at sikre de fysiske og materielle aspekter af *human security*. Det er derfor til dels sandsynliggjort, at konsekvenserne af både frivillig hjemsendelse og permanent asyl i tredjelande kan bidrage til en forøgelse af flygtningenes *human security*.

Dette er dog snarere en heldig sideeffekt end motivationen bag beslutningerne. Andre motivationer og forpligtigelser havde prioritet i beslutningsprocesserne og blev afgørende for flygtningenes videre skæbne. De afgørende faktorer i flygtninges videre færd var drevet af geo-politiske interesser i Syd-øst Asien, institutionelle interesser fra de involverede organisationer og indenrigspolitiske interesser i mulige modtagerlande.

Specialet er navngivet efter en skrivelse sendt fra UNHCR til andre intressenter i sagen. I skrivelsen argumenterer UNHCR for, at *"the best should not be allowed to become the enemy of the good"*. Argumentet var, at om end de løsninger der blev implementeret måske ikke var ideelle, så var det det bedste, der kunne opnås under de givne omstændigheder. Ønsket om det ideelle måtte ikke blive en barrierer, for at finde de bedst mulige og opnåelige løsninger. Specialet verificerer til dels denne antagelse, men det påpeger samtidig, at håndteringen af flygtningegruppen havde seriøse fejl inklusiv signifikante og unødvendige krænkelser af flygtninges menneskerettigheder. Perspektiveringen argumenterer for, at det internationale samfund har et etisk ansvar for yde den bedst mulige beskyttelse til verdens sårbare grupper, men at iagttagerer samtidig må tage i betragtning, at det ideelle ikke altid er opnåeligt.

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List of Abbreviations

ADB: Asian Development Bank

ASEAN: The Association of Southeast Asian Nations

FULRO: Front Unifié de Lutte des Races Oprimées/ United Front for the Struggle of the Oppressed Races

HRW: Human Rights Watch

IOM: International Organizations for Migration

JRS: Jesuit Refugee Service

MFI: Montagnard Foundation Inc

MHRO: Montagnard Human Rights Organization

MoU: Memorandum of Understanding

NGO: Non Governmental Organization

RI: Refugees International

RSD: Refugee Status Determination

SRSG: Special Representative for the Secretary General (of the United Nation)

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNDP: United Nations Development Programme

UNCG: University of North Carolina, Greensboro

UNTAC: United Nations Transitional Authority in Cambodia

U.S.: United States (of America)

WHO: World Health Organization

1. Introduction

Forced migration as a concept and as a bitter reality is a consequence of as well as a potential source of (violent) conflict. As such it is a complex field both in the academic world and in the daily challenges of international agencies in the field. There is often a long way from the ideals of refugee protection to the pragmatic solutions that must be implemented in the field. Conventions, theories and conference working papers outline how a refugee crisis should ideally be handled – they outline the *best*. The realities of managing a refugee crisis differs from the ideal scenario – often managing a refugee crisis means navigating between competing interests of stakeholders, geopolitical circumstances, economic and practical limitations. The solutions that are found are often pragmatic; they are (at the most) as *good* as it gets under the circumstances given.

It is the tension between what is desirable and what is plausible (between the *best* and the *good*) in terms of refugee protection that is the focus of this thesis. This research investigates the relationship between security and forced migration by examining a current refugee crisis in Indo-China through the lens of the human security school of thought (particularly building on the works of Alkiri, Webb, Learing and Newman) and subsequently comparing it to the durable solutions available to solve a refugee crises (mainly leaning on the works of Chimni). More specifically, the research focus is whether or not the aspiration of ensuring human security was the main motivating factor in the search of sustainable solutions to a particular refugee crisis.

The case examined is that of the Montagnard[1] refugees who fled from Viet Nam to Cambodia between 2000 and 2005. The grand refugee crisis of Indo-China had ended, but a relatively small ethnic minority group (known collectively as Montagnards) from the central Highlands of Viet Nam still fled their homelands to seek security across the Cambodian border.

Between 2000 and 2005 more than 2000 Montagnards fled through the jungle and across the border into the North-Eastern provinces of Cambodia. Once in Cambodia, the Montagnards sought protection from the field office of the United Nations High Commissioner for Refugees (UNHCR). UNHCR together with other stakeholders responded to the situation by

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[1] "*Montagnard*" is a term used to refer collectively to the different indigenous ethnic groups in the Central Highlands of Viet Nam. These indigenous groups include the Jarai, Bahnar, Ede (or Rhadé), Mnong (or Bunong), Koho and Stieng. (HRW, 2005)

sending some of Montagnards back to Viet Nam (repatriation), while others were sent as international refuges to third countries in the West (resettlement). Having observed this process, I started wondering why some Montagnards were sent back to Viet Nam, while others are being resettled, and it is this general question that constitutes the foundation of this thesis.

1.1. Objective

This thesis is an explorative study aiming to clarify why some Montagnard refugees – those who have fled from the central Highlands in Viet Nam into Cambodia – were subject to resettlement to third countries, while others were repatriated to Viet Nam. The objective is stated as follows:

> *"Why were some Montagnards refugees resettled from Cambodia to third countries; while others were repatriated to the Highlands of Viet Nam?"*

The thesis is designed so that it tests a hypothesis, which proposes that when international organizations (such as UNHCR) sought solutions to this situation of forced migration, the organizations (together with other stakeholders such as the relevant national agencies) aimed to find a solution that would protect the refugees by providing them with the maximum level of human security under the circumstances given in the specific time and place.

The study builds on the following hypothesis:

> *"The decision concerning whether or not a Montagnard refugee was repatriated or resettled was based upon an estimation in regard to the best means to ensure the human security of the individual(s) in question."*

The analysis seeks to verify or falsify whether or not the management of forced migration is based upon ensuring human security – defined broadly as *"freedom from critical and life-threatening dangers"* – of the refugees.

1.2. Readers guide

The final chapter in the introductory section of this thesis is the methodology chapter, which is followed by an introduction to the theoretical framework as well as an introduction to the technical and legal framework for refugee protection, with particular focus on sustainable solutions to refugee crises.

The first part of the empirical research is a fact-finding exercise, aiming to clarify questions such as *"Why were the Montagnards fleeing Viet Nam (?)"* and *"Which – if any – critical and life-threatening dangers did the Montagnards face in their homeland (?)"*. The second part of the empirical research explores the management of the Montagnard refugee group in Cambodia between 2000 and 2005. The third and final part of the empirical research is the foundation for the central part of the paper (the analysis), and the intention of this section is to focus on *"why some Montagnards refugees were resettled from Cambodia to third countries, while others were repatriated to the Highlands of Viet Nam"*. The answer to the question has been divided into a number of parts: first it examines why the Cambodian Government has refused local integration. Secondly, it studies the repatriation and resettlement processes and the motivations that likely drove them. Finally, it is discussed whether the decision to either repatriate or resettle was motivated by the protection of the human security of the refugees. The last part of the paper outlines the lessons learned by this research and some general and ethical considerations thereto.

2. Methodology

The objective of this thesis is to test a hypothesis; therefore, it is an explorative study. (Yin, 2003: p. 3-4) The hypothesis can be seen as normative; however, it assumes a scenario that would be considered desirable by those who support the human security school of thought.

The starting point for this explorative study was that *"most cases"* will be decided on how best to ensure the human security of a refugee. This was done to underline a low level of determinism. The thesis has no ambitions of uncovering a level of causality that can be applied at greater level. Still, conclusions drawn from this case could be useful in similar contexts, and this research could therefore be instrumental in further exploration into the topic of repatriation versus resettlement.

The study is elaborative in the sense that it aims to develop and change theories as well as the operational definitions of the key concepts in those theories during the research process (Harboe: 1999, p. 38). I have chosen this flexible approach because experience, research and general common sense indicates that more than the issue of *human security* plays a role when the fate of a Montagnards refugee is decided. Humanitarian assistance in Cambodia is a messy affair, and efforts are affected by bad governance, high levels of corruption and shifting interests in the donor community.

This thesis subscribes to an anti-foundationalist notion, as it aims to understand before it attempts to explain. It builds on the notion of a double hermeneutic – the world is interpreted by actors (one hermeneutic level), and their interpretation is interpreted by the observer (the second hermeneutic level). No observer can be objective because observers live in and are affected by the social world. (Marsh, 2002: 19 & 20).

2.1. Empirical Sources; quantitative and qualitative

Quantitative data plays a significant role in the research process, as it will provide the foundation upon which the analysis builds. The data mainly consists of statistics documenting the volume of Montagnards who have fled from Viet Nam to Cambodia from 2000 to 2005,

and their primary reason for fleeing. This data has mainly been provided by UNHCR, as it is the agency responsible for the initial registration of the migrants as well as the management of their cases.

Quantitative data will also be used as a means to illuminate the socio-economic status of the country of origin (Viet Nam). The data is mainly derived from surveys by Asian Development Bank (ADB), United Nations Development Programme (UNDP) and World Health Organization (WHO). Due to the recent history and the relatively high levels of poverty in these two countries, the international society and international organizations have a significant presence in these two countries. It follows that development is therefore monitored, and surveys of most socio-economic indicators are being conducted on a regular basis. Due to a general lack of transparency and high levels of corruption in both Viet Nam and Cambodia, the data is bound to be flawed to some degree; however, it will definitely be of a sufficient standard to draw loose conclusions on the living conditions in the Montagnards homeland.

A large part of the empirical chapter describing the situation of the Montagnards is based on two "WRITENET Independent[2]" papers from 2002 and 2006. The two papers concerning the Montagnards were commissioned by the UNHCR's Status Determination and Protection Information Section. Both papers carry a caution stating that the views expressed in the papers *"are those of the author and are not necessarily those of WRITENET or UNHCR"*; however, as the reports are commissioned by UNHCR, the data is being compared to that presented by human rights organizations (mainly Human Rights Watch) in order to seek reliability.

2.1.1. Interviews with key stakeholders

The main empirical materials for this project are qualitative interviews conducted with key stakeholders in the international community in Phnom Penh: United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), Jesuit Refugee Service (JRS), Human Rights Watch (HRW), Montagnard Foundation Inc (MFI) and the Embassy of the United States in Phnom Penh, Cambodia. It is important to stress that the opinions expressed in these interviews do not necessarily comply with the

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[2] WRITENET Independent is a network of researchers and writers on human rights, forced migration and political conflict based out of the United Kingdom.

official view-points of the organizations for which they work; in several cases a comment or responses may be of a personal nature. This was particularly stressed by the protection officer from UNCHR.

The names of interviewees, the dates of interviews and forms of record used are outlined in the table below. The full-length responses may be found in the appendix CD in the back of the written report (not included in the library print version due to issues of confidentiality).

Organization	Interviewee	Date	Form of record
UNHCR	Protection Officer Mr. Raymond Alikpala (RA)	1st June 2006	Written notes (reviewed by UNHCR)
IOM	Chief of Mission Dr. Vincent Keane (VK)	31st November 2006	Recorded
JRS	(Fomer) Legal Officer Anne Peeters (AP)	11th December 2006	Written answer
US Embassy	Economic Officer Donald B. Coleman (DC)	6th December 2006	Written notes
HRW	Senior Researcher Sara Colm (SC)	13th December 2006	Written notes
MFI	Spokesperson Scott Johnson (SJ)	1st March 2007	Recorded

Fig. 1: Qualitative interviews with key stakeholders

The information gathered during these interviews will in the following text be noted as (initials: organization acronym, date of interview)

The main concern in relation to interviewing key stakeholders in the field was that of validity. Most professionals take pride in what they do for a living; humanitarian agencies have idealistic objectives, and when those objectives are jeopardized for one reason or another, it hurts the pride (and ideals) of those involved.

To the degree that it is possible, I have triangulated all data used in the final analysis and conclusions. Nevertheless, individual and organizational motivations must be taken into account when analysing the qualitative data from interviews and other communications.

The aim with the interviews was to begin a new dialogue with the actors involved – I wanted to leave room for issues to surface. Therefore the interviews were loosely structured. The interviews consisted simply of a number of topics and broad questions that I estimate are necessary to meet the objective of the thesis.

For a range of reasons that will be outlined in detail in the empirical chapter, the issue of Montagnard refugees is a politically sensitive issue in both Cambodia and Viet Nam. An additional complication to the research lies in the fact that both countries studied do not tend to favour transparency in their public relations work. This did, unfortunately, affect the research process, and it was not possible to gain access to representatives from either the Vietnamese or the Cambodian Government. The sensitive political climate has also meant that that several of the key stakeholders have been reluctant to discuss the Montagnard issue. This obstacle was largely overcome by entering into a dialogue with key-personnel and working out agreements mainly in relation to how the interviews were recorded (as it can be seen in the table above).

2.1.2. Interviews with Montagnard refugees

Initially in the research process it seemed appropriate and relevant to also interview Montagnard refugees in Cambodia as it is their fate in which this research is ultimately concerned. However, the issue of interviewing refugees became the biggest challenge in the research process. The Cambodian Ministry of the Interior and the Ministry of Foreign Affairs have decided that only UNHCR personnel and Cambodian officials are allowed into the UNHCR sites in Phnom Penh. As to be expected, written request for access to the camps yielded negative response from the Cambodian authorities. It became evident that it would not be possible to gain access to the Montagnard asylum seekers/ refugees resident in the UNHCR sites, which left not only a significant logistical problem but also (and more importantly) considerable ethical issues.

Forced migration is an emotional topic in general, and it is a grave bitter reality for those who are victimized by it. Therefore, one must include ethical considerations both when designing

and conducting the research. In research – field research in particular – there is a certain trade-off between the benefits and outcomes of certain actions and the cost and consequences of these actions. In early November 2006, I was contacted by an acquaintance.[3] He informed me that a family of Montagnards was hiding in the jungle at the Cambodian side of the border, and I could meet them in Phnom Penh before he took them to UNHCR to claim asylum. The offer raised an ethical dilemma in the research process that perhaps well illustrates some of the challenges when conducting field studies relating to forced migration.

Many researchers in the field of forced migration want to believe that their efforts in developing the theoretical understanding of the phenomena will help refugees, but at the same time there is an obligation to *"do no harm"*. (Jacobsen, 2003: 185).

The group of incoming refugees was not yet under the protection of UNHCR and could be forced back to Viet Nam by the Cambodian authorities if exposed. There was a very real risk of further jeopardizing their already worrying security situation. In addition, if I had interviewed them I would be the first foreigner they would meet after they had fled their homes, and I had concerns to whether or not I could make it clear that I was not in a position to help them – the last thing I wanted to do was to give someone with nothing false hope. I extended my gratitude for being given the opportunity and explained why I had chosen not do the interviews.

The decision was based on considerations comparing potential benefits versus consequences; I was in a not position to *"do no harm"*, as the asylum seekers were not yet under the protection of the UNHCR. My decision was reinforced when I in December 2007 went to visit my before mentioned acquaintance at his house in Phnom Penh. Within the first ten minutes of my stay, three armed police officers (two Vietnamese and one Khmer, all in Khmer uniforms) appeared at the house. They did not interfere with our conversation (although their presence made it impossible to discuss certain matters), but the officers stayed in the house during my entire visit where after they *"escorted"* me back to my home. The incident showed that if I had gone to meet with the Montagnard refugee family before they received UNHCR protection, I could have exposed them, and they would have risked deportation.

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[3] I have chosen to withhold the identity of the individual(s) to ensure that their personal security is not jeopardized.

As a result of the conditions given and the decision made, data on the living conditions for Montagnards in the Highlands of Viet Nam, the experience of flight, the experience of being under UNHCR protection in Phnom and so forth is built on data from Human Rights Watch, Amnesty International, Montagnard Foundation Inc, Refugees International and Refugee Council USA. These organizations have gathered significant information in the situation of Montagnard refugees over the last decade and have staff especially trained to deal with traumatized individuals. All data used in the analysis have been triangulated when possible for the sake of reliability.

2.2. Field research, subjectivity and the difficult role of the observer

The research design does not include observation as such, but the circumstances surrounding the research signify that elements of field observation were present in the data collection. Therefore, the role of observer and the relationship between the researcher (the observer), the object of research and the structures surrounding both must be considered mutually during data collection and when analysing the case evidence.

During the initial stages of this research, I worked for International Organization for Migration's (IOM) mission in Cambodia – a circumstance that had both positive and negative implications for the research. It was beneficial for the research process in the sense that I was familiar with the structures of the international organizations in play. It has also eased my access to key players as I was able to capitalize on work contacts.

However, it was a mixed blessing. To a degree, I identified with one of the main agencies (an object of research). I was affected by the environment in which the research has been conducted. This is an obstacle when trying to conduct objective research (Harboe: 1999, 29-30). I entered the research process with this dilemma in mind and have done my outmost not to let data collection or data analysis to be coloured by the circumstances under which this research was conducted. However, I do not subscribe to the notion that social science research of a qualitative nature can ever be truly objective. When dealing with issues as sensitive and emotional as forced migration, personal convictions and past experiences will affect perspectives and conclusions.

3. Security and forced migration

As mentioned in the introduction, the theoretical foundation for this explorative study is the concept of *human security*. In a forced migration context such as this, human security employs a people-centred notion of security when analyzing the established world's dealings with refugees.

The thesis accepts the notion that assistance to refugees is largely a reflection of a national, regional and international political climate, as well as geo-strategic interests and media involvement (Newman, 2003: 6). It also recognizes that Cambodia in some aspects must be considered a weak state that does not meet its requirement under the 1951 Convention Relating to the Status of Refugees and its 1967 protocol. Therefore the faith of the Montagnard refugees in Cambodia is in large determined by the priorities of the international community in general and the donor community in particular. In recognizing the context within which the Montagnards are aided, this case study's theoretical framework focuses on the priorities and practices of the donor community and its implementing agencies.

Forced migration and security are interlinked concepts, as refugees are both a cause and a consequence of (violent) conflict. Therefore, both policy and theoretical responses to refugee flows are interlinked with the security regime of the time – however, in the past often only peripherally (Newman, 2003: 5). Migrating individuals or groups are often seen as a threat to the receiving communities, especially if they arrive in relatively large quantities. (Graham, 2000: 296)

With the end of the Cold War, the complex violent crisis of the 1990s and the unavoidable refugee flows that followed it, it became clear that the hard security concepts of the Cold War era were no longer offering sufficient explanations or reasonable policy solutions to the challenges of forced migration. The Cold War had ended, international priorities shifted, new challenges were mounting and thus new analytical tools were needed. (Graham, 2000: 196)

It follows that in the 1990s there was a shift in focus within the field of security studies, where the theoretical development began to focus more on *"people"*; placing individuals on the security agenda that had formerly been dominated by the interests of the nation-state.

(Graham, 2000: 196) The change of focus also meant that migration became central to security studies. In state-centred security studies, migration was primarily perceived as a threat if it came in the form of an invading army or (secondary) in the form of large groups of refugees. However, as the well-being of the individual became more central to emerging security concepts, migration also took a more central role in relation to concepts of economic, cultural and societal security. (Graham, 2000: 196)

3.1. Concepts of security

The concept of security is contested on a number of levels: It has been questioned who or what the objects of security are (?); who the providers of security should be (?); for whom security is intended – individuals, groups, nations, states or even values? (Dodds, 2005: 27)

Until quite recently *"security"* – as an academic field – was chiefly concerned with the protection of nation-states, often in term of military capabilities, international alliances, territorial integrity and so forth. Over the last two decades, however, the academic study of security has been expanded.

National security is concerned with security of the state mainly in terms of issues of sovereignty and territorial integrity. National security is the traditional approach to issues of peace and stability and has been dominated by realism and neo realism. The most important actors in this school of security studies are states, seen as rational actors in pursuit of self-interest and survival in an anarchic international system. (Goldstein, 2004: 45-47). Although it can be argued that the main purpose of the state is to protect its citizens, the school of realism was challenged by the fact that the interest of the nation-state all too often ended up being the interest of the regime in power; immoral and corrupt governments valued their own interest over those of their citizens, and therefore ended up being a hazard to ill-fated populations. (Møller, 2000: 19)

The narrow concept of national security was expanded in the 1980s by the so-called *Copenhagen School of Security*, who introduced the concept of *societal security* (see for example Suhrke in Newman, 2003: 95). Societal security expanded the concept of security in international relations, and societal security was defined as protection of core values in the

identity of a community. Communities can take the form of a nation-state, but the concept can also relate to transnational ethnic and/ or religious groups such as tribes not defined by international borders. The identity of groups may be threatened from a number of directions: militarily, economically, cultural influences and/or migration. Migration has often been seen as the main threat. (Suhrke in Newman, 2003: 95) Societal security can interlink with national security in causes where a (nation-) state coincides with a homogenous population as in Japan and South Korea.

The concept of human security, introduced approximately ten years after the concept of societal security, further expanded the security concept in terms of focus, the values at risk and possible threats to these values. As human security is the main analytical tool of this thesis, the features of the concepts will be elaborated upon in the following chapter.

3.2. The human security concept

Human security is a key constituent in the evolving security discourse of modernity. This concept argues that security must be oriented around the individual and that those who have the capacity to extend security to those lacking it have an obligation to do so– be it countries, organizations or individuals. (Newman, 2003: 7) One of its main focuses is freedom from want and freedom from fear – also known as positive and negative freedoms and rights. (Dodds, 2005: 28)

The element of obligation interlinks with the concept of *"Responsibility to Protect"* (commonly referred to as *"R2P"*), which builds on a line of reason arguing that state sovereignty implies responsibility and the primary responsibility for the population of any state lies with the state itself. Nonetheless, should the population of a state suffer serious harm from internal conflict or repression, and the state is unwilling or unable to protect its citizens, the international community has an obligation to overlook the principle of sovereignty and intervene to protect the population in question. (Evans, 2001: xi). Both R2P (responsibility to protect) and human security focus their attention on the needs of vulnerable humans, shifting attention from territorial integrity to basic needs and rights for the individual. Both concepts also acknowledge that while the security of people may be jeopardized by external

aggression, it can also be threatened by factors within a country including agencies designated to promote security. (Evans, 2001: 15)

One of the most powerful (and also one of the earliest) operationalizations of the human security objective may come from the 1994 UNDP *Human Development Report* – the document often credited with introducing the concept to the main stream of development literature[4]. The report states that: *"In the final analysis, human security is a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode in violence, a dissident that was not silenced. Human Security is not a concern with weapons – it is a concern with human life and dignity. "* (UNDP, 1994: 3)

This quote illustrates a very tangible approach to the human security concept. This thesis will adopt a similar approach, which sets the plight of individuals and communities in distress at the top of the agenda.

The concept of human security clearly relates to that of forced migration as refugees (almost by definition) are individuals or groups robbed of their most basic human security and human rights. The school of human security is promoting an agenda stating that refugees must be aided, not only because their presence can be a destabilizing factor, but primarily because all humans (also refugees) have basic human rights and needs that must be meet, even when assistance to refugees does not fit the current international political agenda. (Newman, 2003: 8) A relatively broad definition of human security in line with the argument above was offered by Hans Günter Brauch of the United Nations University in 2005:

"Human Security is concerned with the protection of people from critical and life-threatening dangers, regardless of whether the threats are rooted in anthropogenic activities or natural events, whether they lie within or outside the state, and whether they are direct or structural. It is "human-centred" in that its principal focus is on people both as individuals and as communal groups. It is "security oriented" in that the focus is on freedom from fear, danger and threat". (Brauch, 2005: 30)

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[4] The concept of Human Security does also appear in the 1993 UNDP Human Development Report: *"The concept of security must change from an exclusive stress on national security to a much greater stress on people's security, from security through armaments to security through human development from territorial security to food, employment and environmental security".* (UNDP, 1993: 2)

In the empirical part of this paper, this definition will be operationalized in a manner so that the key features of this definition will be tested against the repatriation or resettlement criteria employed by the implementing agencies in the field. The hypothesis is formulated assuming that national and international refugee assistance agencies in Cambodia (such as UNHCR and IOM) have integrated the human security concept into their search for appropriate solutions and that they are employing its key values in the decision making process.

Before moving into the details of the human security concept, it should be noted that as most theoretical concepts within the social sciences, the human security concept has received a fair share of criticism.

One of common criticism relates to the suggested vagueness of the concept. As stated by Roland Paris (2001): *"Human security is like "sustainable development" – everyone is for it, but few people have at clear idea of what it means"*. (Paris, 2001:88)

Paris criticizes the human security concept for being too inclusive and too vague as it stretches its focus from physical security to psychological well-being; he sees its broad focus as its weakness. It does not sate clearly where money is best spend, or which areas should be researched first (Paris, 2001: 88,92-93) In response, it could be argued that human security is more specific in its priorities than human rights and human development, and therefore it has the potential to help policy makers priorities. Although broad, it is more pragmatic and targeted than human rights and human development (this point will be elaborated in the following chapter), and can therefore be seen as a step in the right direction when it comes to focusing efforts. Ironically, Paris recognizes that the alleged vagueness may in fact be strength for the human security concept, as it can hold together powers with diverse agendas to a common goal. The ambiguity serves as glue, so to say. (Paris, 2001: 88)

In contemporary debates and literature human security is often labelled as the new approach to security; that is however a truth with modifications. Human security is in many ways repetitions and re-labelling of older ideas and theories such as *comprehensive security* and of prior debates on the nature of war and peace, civil security and democratic peace. The very root of these concepts – the notion that politics should aim to enhance the freedom and security of the individual by regional and/or international organizations in the absence of capable individual agency – has it origin in the long and proud tradition of political liberalism. (Dodds, 2005: 28-29)

The concept of security was traditionally defined along the lines of state-practices and in the school of "*traditionalists*" security has been defined in military terms and capacities. Security had been the primary responsibility of the state, and as such the term carries a significant weight. Linking security to other concepts such as migration is therefore raising migration's profile. (Suhrke in Newman, 2003: 94)

Last but not least; the ethical tones in the human security discourse are not unproblematic. As described, human security argues that the international community has an ethical responsibility to re-orient security around the individual. However, the ultimate responsibility for the security of the individual rest with the states; they are obliged to keep their citizens safe. When states fail to meet this primary responsibility, some international practices suggest that other states and/or international organizations may take on that responsibility. This transfer of responsibility could however be viewed as form of colonialism; interventions based on the protection of human security could arguably be seen as a violation of state sovereignty. (Dodds, 2005: 29)

3.3. Human development, human rights and human security

Three core concepts of today's approach to international relations and issues of forced migration - *human security*, *human rights* and *human development* - share fundamental values as they are both people-centred and multi-dimensional. (Alkiri, 2001: 7) It follows that the broad approach of human security is linked to the entire human needs discourse - often linked to United Nations Development Programme (UNDP) – where basic human welfare is seen as the best indicator of security. (Dodds, 2005: 28)

Human security can very well be viewed as a precondition for human development (Leaning, 2000). Human security is the basic platform for human development. It has been argued, that if basic material and psychosocial needs are not secured, individuals and communities can not be expected to participate in meaningful long-term development strategies. (Leaning, 2001: 8) The 1994 UNDP human development report also promoted the view that Human Security was a precondition for human development – no community or society can embark in a

sustainable development unless its basic human security needs are met. (Leaning, 2000: 2)
This interdependence is illustrated in the figure below:

Figure 2: Human Security as Minimum Platform for Human Development
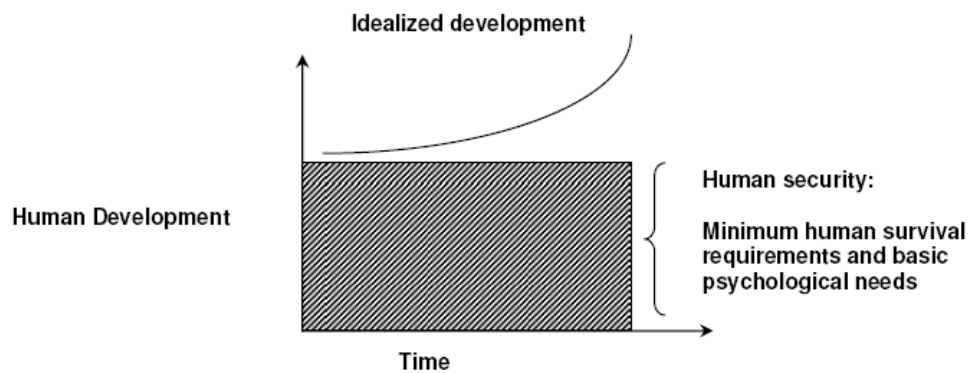
(Figure adopted from Leaning, 2000:2)

The graph illustrates that human security can be viewed as a precondition – an essential building block – for human development and human rights to prevail.

This line of reasoning could be counter-argued with examples from the empirical world, where the implementation of authoritarian polices with little regards to personal freedom have led to significant economic development in specific cases such as Singapore.

Still, this thesis accepts the notion of a strong link between human development and human security. This means, in operational terms, that important development projects concerning human rights, gender equity and public sector capacity building, for example should not be initiated until individual and communal human security has been ensured (at least for the majority of the population including key minority groups), as the sustainability of these projects otherwise would be compromised. This paradigm enables policy makers and strategic planners to set clear priorities for how resources should be allocated.

This line of argument interlinks with migration in the sense that if human security is not ensured – and there is no hope of that it will be in the foreseeable future – migration can be the only key to a tolerable life and sustainable development for individuals and/ or communities.

The human security concept includes concerns for human rights, but is – at the same time – both narrower and broader in its scope that the human rights school. It is narrower in the sense that it does not share the ambition level of the human rights movement – instead it dares to prioritize rights. Human security limits its ambitions to the most fundamental of human right. At the same time human security is a broader concept, than human rights as it focuses on more that just right in also dealing with livelihood, shelter, food security and psycho-social well-being.

As human security is connected with the security of people rather than limited to the security of nation-states, it encompasses a broader range of responsibilities and therefore involves a broader group of actors. These actors include states, the international community, international organizations, non-governmental organizations, civil society and individuals. (Ogata, 2000: 2)

Human development, human rights and human security also share threats. A seemingly secure state i.e. a state not threatened on its territorial boundaries can still have a insecure population (Thomas, 2002: 178) – a population that faces challenges that hinder their development, rights and security. Such threats can take the form of direct violence and obvious human rights violations, but might as well take the form of *structural violence.* Structural violence (a concept attributed to Johan Galtung) is when violations take the form of exploitation or marginalization. (Galtung, 1985: 150) The difference between *direct* violence and *structural* violence is – to put it bluntly – the difference between a child being killed and a child dying from starvation. Both types of violence are clear threats to human development, human rights and human security.

In conclusion it can be said – in perhaps an over simplified manner – that while the human security concept evolves from the same school of thought as human development and human rights, it is narrower in its scope and less ambitious than human development and more pragmatic than human rights.

3.4. The components of the human security concept

In order to meet the challenges of empirical studies, this thesis has adopted a working definition of human security put forward by Alkiri in 2001: *"The objective of human security is to safeguard the vital core of all human life from critical pervasive threats, in a way that is consistent with long-term human fulfillment".* (Alkiri, 2001: 2)In order to apply this theoretical definition to the events observed in Cambodia, the definition will now be broken down into its individual parts, and it will be examined how these parts can be related to management of the Montagnard refugees.

The first key concept in the definition is *safeguard*. The agenda of the human security school is *to protect*. It recognizes that individuals and communities at times may be exposed to threats or dangers of which they have no control. Human security strategies should be concentrated on providing protection schemes that are institutionalized, receptive and preventative. Responses to security threats should come from a well-establish network (as opposed to random ad-hoc solutions), and the effort should be flexible and take context into account when strategising (Alkiri, 2001: 2). Formulated into more practical concepts, safeguarding is composed of the following four elements:

1. Identification (of current and future threats);
2. Prevention (so risks do not materialize);
3. Mitigation (so if the risk materializing, the damage is lessened); and
4. Response (so that victims can survive with dignity and maintain their livelihood). (Alkiri, 2001: 8)

The second key concept in the definition is that of the *vital core*. The concept of the vital core is an expression of the scope of the human security concept. As mentioned above, the human security concept does not have the width or ambition of the human development approach; the vital core only concerns 3 basic capabilities – *survival, livelihood* and *human dignity.* (Alkiri, 2001: 3)

These three capabilities must be defined within context, and the task of prioritising between the rights and capabilities is a valued decision that is likely to be controversial and difficult. It is the minimal off-set of human development and human rights, and should involve both

positive freedoms (e.g. economic abilities) and negative freedoms (e.g. civil liberties). (Alkiri, 2001: 3-4, 6)

The vital core covers both *freedom from want* and *freedom from fear*, but the actual content will be defined within a given context. (Alkiri, 2001:8) Freedom from fear must be considered essential, especially within a forced migration context. However, it is sensible to define freedom from want within the socio-economic context.

The third key concept is that of *all human lives*. It is an expression of scope as well as an expression of focus as opposed to national security, which mainly focuses on territorial integrity. The focus here is shifted to the level of the individual regardless of citizenship, ethnicity, gender etc. The concept is universal; it is non-discriminatory. Human beings are an end, not a mean[5]. This is one of the characteristics of human security that aligns well with the human development and the human rights paradigms. (Alkiri, 2001: 3, 8)

The fourth key phrase in the definition is *critical pervasive threats*. Critical threats are threats that disturb and damage the vital core of human lives. It may be a sudden threat (such as an earthquake), but it is not necessarily so. It is not the abruptness; it is the impact of a threat that will determine if it is critical. Additionally, these threats are pervasive – meaning that they are either (a) large scale (relative to the size of the population in question) or (b) something that occurs repeatedly. These critical pervasive threats may be direct or indirect – the human security approach relates to both. (Alkiri, 2001: 3)

The last key concept in the definition is *long-term human fulfilment*. Any intervention or project guided by human security values should leave a provision for human fulfilment in the long run. The values sought in human security are basic, and individuals/communities should be left with the opportunity to pursue a greater range of freedoms and capabilities. It is not enough to protect in the moment of danger; the vulnerable must be protected in a way that does not compromise their long-term good. However, the long-term perspective should not compromise effectiveness – the goal is to protect in fact – it is not just an intention. (Alkiri,

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[5] This line of reasoning follows Immanuel Kant's second formulation of the categorical imperative: *"Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never simply as a means"*.

2001: 4-5). A former High Commissioner for UNHCR, Ms. Sadako Ogata, named this particular aspect of human security the *horizon of security* – something that is more than just a short-lived fragile moment of calm. (Ogata, 2000: 2) Having a *horizon of security* means that there is also a belief (or at the very least, a strong hope) that the individual or the community also will experience this feeling of security in the near and intermediate future.

It is important to stress that human security goes above and beyond material and physical security. In order for an individual or a community to feel secure, it is essential to pay due attention to the psychosocial needs and social bases of community stability. (Leaning, 2001: 1)

Leaning has identified three core concepts that reflect the psychosocial situation of a community namely *home, community* and *the future*. These three indicators underpin the notion of identity. When the sense of *home, community* and *the future* is disrupted, it becomes a significant threat to the individual as well as collective identity. (Leaning, 2001: 1)

4. Operationalization of the human security concept

Speaking in generalized terms, human security may be operationalized as *freedom from need and freedom from fear*. Both *need* and *fear*, however, are relative in terms that depend upon context and personal perception.

One way of translating the principles of *freedom from need* and *freedom from fear* to operational terms can be summarized as follows.

- Secure minimum levels of survival (water, food and shelter) and minimum levels of protection from life threats.
- Support basic psychosocial needs for identity, recognition, participation and community. (Learing, 2001: 8)

Following the tradition of Amartya Sen (see for example Sen, 1999: 75) these two operational criteria for human security should be thought of in terms of *capability*, *coping*, and *vulnerability*. (Learing, 2001: 9)

Human security literature suggests quantifying a lack of human security by using a negative indicator (human insecurity) – the so-called Human Security Indicator (HSI) (see for example Learing, 2001). The HIS index is a valid and recognized contribution to the human security discussion and has proven valuable in relief and development work. However, I have chosen not to apply this in the research project as it requires a considerable number of respondents to lead to valid conclusion.

4.1. Minimum levels of survival

As outlined above, a secure minimum level of survival is the first indicator of human security. It is however not sufficient (or desirable) that the minimum levels of material survival (water, food and shelter) are merely provided for – communities should be able to obtain and sustain these necessities without assistance from external agents. (Learing, 2001: 9).

When basic survival depends on foreign hand-outs, basic survival may (in a best case scenario) be ensured, yet it is unsustainable and non-dignifying. (Learing, 2001: 9-10) Therefore, if a community's basic needs are dependent on international aid agencies or NGO's, it goes against the basic principles of human security. It does not lay grounds for long-term development, and it compromises the psycho-social criteria of identity and participation. When it is evaluated whether or not a community has an acceptable level of human security, it is not sufficient to say that the material level is ensured if water, shelter and food are dependent on foreign hand-outs. The individual and/or the community have to be capable of providing their own basic needs.

Patrick Webb and Anuradha Harinarayan have provided important input into this discussion. He maintains that *vulnerability* should not be measured in absolute terms, but rather relatively to the capabilities and coping mechanisms of the community in question. His argument can be summarized as follows.

$$\textbf{V} \text{ (Vulnerability)} = \textbf{H} \text{ (Hazard)} - \textbf{C} \text{ (Coping)}$$

This schematic presentation illustrates that a community's vulnerability ($\textbf{V}$), in essence, is the sum of hazards and threats compared to the coping abilities of the community. $\textbf{H}$ (hazard) is a function of "probability" (the statistical likelihood of an event occurring); "primacy" (shock value based on time elapsed since previous occurrence); "predictability" (the extent and duration of hazard impacts); "prevalence" (the extent and duration of hazard impacts) and "punch" (the intensity of the impact). The sum of these factors makes up the severity of the hazard. This function is then compared to the C – a communities or individuals coping capabilities. $\textbf{C}$ (Coping) is a function of "perception" (of the risk, based on previous experience, information flows and expectations of the group); "possibilities" (the different options of actions ranging from avoiding the hazard, income diversification, psychological compromise or household suspension); "private action" (the degree to which social capital strengthen or weaken community bonds in times of stress), and "public action" (the behaviour of non-local agents before, during and after a crisis in either supporting or ignoring local needs). In other words, the vulnerability of a community can be determined by comparing the nature of the hazard with the coping mechanism available to and engaged by the community.

It naturally follows that no two communities will be affected by a hazard in the same way – the impact of the threat is relative to the capabilities of a given community. (Webb, 1999: 2-17) Vulnerability occurs when hazards are plenty and/or significant and the coping capabilities are insufficient. Measuring this equation in the field, however, is a difficult task as measuring vulnerability is measuring the absence of coping strategies. (Webb, 2000: 36).

4.2. Basic psychosocial needs

Learing and Arie have identified four basic elements of basic psychosocial needs: *Identity*; *Recognition*; *Participation* and *Autonomy*.

Identity, for an individual (or a community) can be divided into four features:
1. A person knows who s/he is,
2. s/he knows where s/he came from socially and geographically,
3. s/he can lay adequate claim to a history and a set of possessions, and
4. s/he can prove or establish these facts without fear of challenge from an external group. (Learing, 2001: 12)

Recognition interlinks with identity as recognition is the assurance that the facts from ones identity are accepted by others in ones community. Recognition gives the individual dignity.
Participation is the opportunity and capacity to engage with others in economic, political and social networks.
Having *Autonomy* means being empowered, having the ability to control ones own direction in life and capability to resists confinement as a victim. (Learing, 2001: 12)

These four elements of psychosocial needs – *Identity, Recognition, Participation* and *Autonomy* – can be found in 3 domains:

1. *Relationships with location*, meaning a sustainable sense of home and safety.
   A sustainable sense of home and psychical safety provides identity, recognition, and freedom from fear.

2. *Relationships with community*, meaning a network of constructive social or family support.

   A solid network around an individual provides identity, recognition, participation and autonomy.

3. *Relationships with time*, meaning an acceptance of the past and a positive grasp of the future.

   An acceptance of the past and a positive grasp of the future provide identity, recognition, participation and autonomy; the community has not had tragic incidents in it past leading to victimization and low self-esteem.

   (Learing, 2001: 14, 25)

These three domains overlap and interlink, and the relationships with location, community and time reinforce each other. Having a sense of home makes it easier to have solid network with those around you, and an acceptance and knowledge of the past makes it easier to commit to home. (Learing, 2001: 15).

The relationship with location and the sense of home is always threatened by migration. This statement especially applies to forced migration. The sense of home is something that often backdrops *"normal"* lives; refugees loose this backdrop.

Securing the psychosocial components of human security also entails securing a platform for basic human development. (Learing, 2001: 8)

To sum up, the key measurable components of human security include psychological and social well-being as well as material and physical security. According to the hypothesis of this paper, the choice whether to repatriate or resettle a Montagnard refugee should also be based on how to best secure these basic components in the future.

5. The legal and technical framework in respect to refugees

The pursuit to ensure human security for the Montagnard refugees – and refugees in general – must be sought within the existing legal and technical framework for refugee protection.

The primary legal document for refugee protection in an international context it's the *1951 convention and its 1967 protocols*. The convention defines a refugee as 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 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."[6] (Convention and Protocol relating to the status of refugees, 1951: Article 1)

As such, the convention states that to be a refugee an individual must have fled from persecution due to one of the reasons mentioned and must be unable to return to the country of origin. The convention outlines the basic minimum standards for the treatment of refugees, e.g. rights relating to religious freedom (Article 3), property (Article 13), artistic rights and industrial property (Article 14), access to courts (Article 16) and welfare, social security and education (Article 20 – 24). It also specifies a number of scenarios in which refugee status may not be granted e.g. if the claimant has committed a crime against humanity (article 1; F). Certain parts of the convention are today considered part of customary international law today. These include the definition of the term "refugee" (article 1) and the principle of *non-refoulement*, i.e. that no Contracting State shall expel or return (*refouler*) a refugee, against his or her will – in any manner whatsoever – to a territory where he or she fears persecution (Article 33). (Edwards, 2005: 301) In theory, this means that these two clauses are opposable to all states, even if they are not signatories to the 1951 Convention[7].

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[6] In the Convention from 1951 the definition only applied to events that occurred before 1. January 1951,this conditions was amended in the 1967 protocols.
[7] For further explanation please see www.unhcr.org/home/ RSDLEGAL/437b6db64.html acc.f 2.4.2007

It is worth noting that the 1951 convention relates to the obligations of signatory states rather than to the individual rights of refugees. (Frost in Newman, 2003: 114). As pointed out by Troeller there is, however, legal links between refugee protection and human rights, which can be found in article 13.1 and Article 14 of the 1948 Universal Declaration of Human Rights, which specifies *"The right to leave ones country"* and *"the right to seek and enjoy in other countries asylum from persecution"*. (UN, 1948 and Troeller in Newman, 2003: 53)

The legal framework specified in the 1951 convention and its protocol applies only to refugees, however the distinction between different types of population flows – refugees, economic migrants etc – is often clearer in theory than it is in reality. (Newman, 2003: 9) Contemporary population flows are often of a mixed character; refugees frequently leave their home countries as part of larger movement which may also include individuals leaving from economic marginalization and poverty. Both groups may have to resort to human smugglers to succeed in crossing the border. Also, individuals that have not been exposed to prosecution may try to seek asylum especially when there are no legitimate possibilities to migrate. (Feller, 2006: 515) Although the line may be blurry in reality, it is important to emphasise that refugees are not migrants although they have common characteristics (Feller, 2006: 514). Confusing the two groups can jeopardize protection and is legally unsound. The right to seek and enjoy asylum is well-established in article 13 and 14 of the 1948 Universal Declaration on Human Rights and in the 1951 Convention on Refugees. Migrants have no such legal framework to protect them. (Feller, 2006: 514)

In essence, refugee protection (the legal aspect of the notion) is an issue of rights – of rights that have been violated and rights set out in international refugee law and human rights law – that must be protected.

5.1. Sustainable solutions to a refugee crisis

There is common agreement that there are three sustainable solutions to a refugee crisis. The first is local integration in the first country of asylum, which is often a neighbouring country. The second is resettlement to a third country, which is often an industrialized country with resources to meet the special needs of refugees. The third – and most often preferred – is

(voluntary) repatriation to the country of origin in a safe and dignified matter. (UNHCR, 2004b: chap. 2 3)

Refugees are often considered powerless and they are to some degree. However, it is important to recognize and acknowledge that it is a decision to flee. Likewise, it is a decision to stay. The decision to return home (repatriate) is an action; it is a choice. The decision to flee, for example, reflects the belief that one is no longer in a position to provide protection from insult, injury, imprisonment or death. (Chimni, 2000: 377)

The three "sustainable solutions" to a refugee crisis (outlined in detail below) are often provided by the countries and/or agencies that have taken responsibility for or are mandated to assist refugees. Local integration, resettlement and repatriation are therefore often spoken of as institutionalized responses to structural problems – but the acts and decisions of the individual should not be forgotten when a refugee situation is examined.

Refugees make their choice to repatriate, resettle or integrate in the host country by comparing alternatives. By comparing the alternatives the refugees seek to conserve and enhance control over their own lives and reduce the possibility of insecurity and fear in the future. The basic response is thought to be conservative: refugees will seek security with a minimum of disturbance. (Chimni, 2000: 378)

5.1.1. Local integration

Local integration refers to permanent settlement in the first country of asylum. In the case of the Montagnard refugees this would mean legal permanent settlement in Cambodia.

Local integration means the granting of full and permanent asylum and residency status by the host country in the first country of asylum. Local integration happens through a process of legal, economic, social and cultural integration of refugees – ending in the offer of citizenship. In this scenario, the refugee(s) is once again under the protection of a state. In this a durable solution has been found, and as such they are no longer to be considered as refugees. (Jacobsen, 2001:1-2)

The 1951 Convention on refugees does not specifically state that signatory states that are first countries of asylum are obliged to offer permanent settlement (local integration). It merely

states that *"The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees"* (Article 34).

Historically, at the time of the signing of the refugee convention, local integration was considered an optimal solution to a refugee crisis, as most refugees were from communist countries and repatriation was actively discouraged. (Edwards, 2005: 307). This changed with the end of the cold war when the Western world began to be reluctant to support local integration on their territories. A similar trend could be observed in the developing countries at the same time, partially as a follow-up to the development in the West and partially because the presence of refugees were beginning to cause increasing problems. Refugees were associated with security issues, mainly due to spill-over of conflict situations, and they were also perceived as a threat to the economic and environmental conditions in their host countries – often countries that were facing significant challenges on their own and are therefore reluctant to take on yet another burden. As a result, first countries of asylum started to insist on offering only temporary asylum to refugees from neighboring countries. (Jacobsen, 2001: 2-3, 11)

It is the host government's priorities and needs, as well as the goals of international donors that determine policies of local integration. As many countries are reluctant to allow local integration, often the goal becomes repatriation to the country of origin and therefore settlement is often set up as temporary settlements, segregated from the local population. The human security of the refugees is then secured by international organizations or nongovernmental organizations until repatriation. (Jacobsen, 2001: 7)

5.1.2. Resettlement

The term resettlement refers to the permanent settlement of refugees in third countries – meaning a country other than the country of origin and the first country of asylum.

According to UNHCR, resettlement is considered as a durable solution when refugees cannot be repatriated to their country of origin or they are at risk within their country of refuge (excluding local integration as a durable solution) or as a part of a burden-sharing arrangement. (UNHCR, 2004a) Resettlement is also used for "vulnerable groups" such as rape and torture victims, the disabled, those suffering from conditions that cannot be treated in

their country of asylum or country of origin and it is also often the only way to reunite refugee families.

No country is legally obliged to accept refugees for resettlement, and therefore doing so is often considered a mark of generosity on the side of the new host government. (Colville, 1993: 341)

Resettlement is the least used of the three durable solutions (on a global level), and one of the reasons for that is that is not a cost-efficient solution – especially because integration in the third and final country can be a tricky affair. The issue of integration in radically different countries also means that resettlement often presents major challenges for the refugees themselves in terms of psychological and practical obstacles. (Colville, 1993: 342) Another interlinked reason is the lack of political commitment to resettlement schemes in the developed world. In the 1990s many Western countries tightened their migration controls and asylum policies as a result of anti-immigration sentiments, the end of the Cold War (and thereby the anti-communist imperatives that it had created) and mass migration in and to Europe. (Skran in Nachmias, 2004: 107) The events of 9/11 only furthered the move against more restrictive asylum policies as it highlighted perceived links between international migration and security; a link that is weak in empirical evidence nonetheless[8]. A clear example of this may be taken from the United States, where the refugee admission quota was 70,000 in 2002, yet only 30,000 new refugees entered the United States that year due of new security controls. (Newman, 2003: 9-10)

5.1.3. Repatriation

Out of these three durable solutions, repatriation is by far the most used. Chimni states that less than one percent of the world's refugees are either resettled to 'third' countries or integrated in the host country making repatriation the solution sought and found for the vast majority of the worlds refugees. (Chimni in Newman, 2003: 195).

He claims that the reason for repatriation being the most sought after solution to a refugee crisis must be found in the political and economic climates of the host nations as well as in potential resettlement countries. In the industrialized North – the potential recipients of resettled refugees – the political climate is less than favorable towards refugees. In the

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[8] An ironic fact is that the immigration category t used by the hijackers of 9/11 was tourist-visa and student-visa; they were not refugee admissions.
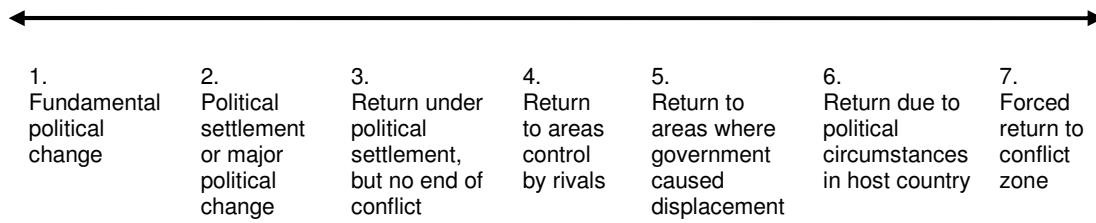
developing world, which hosts the mass of the world's refugees, the political and economic situation is rarely stable enough for integrating refugees. This reality put a certain amount of pressure on the UNHCR to promote repatriation of refugees as the most favorable approach to solving a refugee situation. (Chimni in Newman, 2003: 195)

For repatriation to be an acceptable solution to a refugee situation, it must be a *"sustainable return"*. UNHCR has characterized sustainable return as a situation where four kinds of security are ensured: (1) physical security, (2) social and psychological security, (3) legal security and (4) material security. (UNHCR, 2004b: chap. 2-3). These criteria align with the human security agenda.

If one of these four types of security is not present when a refugee is being repatriated, it can provoke the refugee to flee again, hence starting a new refugee cycle. While material and physical security can be ensured and promoted by the international society (to a certain degree at least) - social, psychological and legal security is dependent on reconsolidation after the conflict that invoked the initial flight. If there is no reconsolidation, re-integration into society will be more than difficult and the return will not be of a sustainable nature. (Chimni in Newman, 2003: 200) Still, returning home to a previously established social identity can be seen as a way to allow refugees to retain more control over their own lives. (Chimni, 2000: 378)

Repatriation may take on a number of forms depending on how refugees are being repatriated, how many are repatriated and how the repatriation is motivated. Repatriation does not necessarily happen in ideal circumstances, and the question of the voluntary nature of the repatriation must often be raised. (Chimni, 2000: 376). The continuum on the next page illustrates the nature of repatriation may vary in a situation with political conflict:

Fig. 3: Repatriation under political conflict

1.	2.	3.	4.	5.	6.	7.
Fundamental political change	Political settlement or major political change	Return under political settlement, but no end of conflict	Return to areas control by rivals	Return to areas where government caused displacement	Return due to political circumstances in host country	Forced return to conflict zone

For repatriation under or after a political conflict to be safe and sustainable, it must take place along the left side of the continuum above. Repatriation to conflict areas is unlikely to be safe, and it is likely to start yet another refugee cycle once the situation is so unbearable that the former refugee decides to flee again.

6. Case: Montagnard refugees

In order to answer the research question posed in this thesis – why some Montagnards were repatriated to Viet Nam while others were resettled in third countries – it is necessary to take a closer look at the people of which the research is concerned: The Montagnards[10]. This section of the thesis is separated into two parts. The first part is concerned with the refugees' land of origin (therefore also the area where repatriation took (takes) place) – the central Highlands of Viet Nam, its history and its recent developments. The second part is concerned with the refugee flows from the Highlands into Cambodia, the management thereof and the factors that complicated the state of affairs.

6.1. The situation in the Central Highlands

The period researched in this study covers the years from 2000 until (and including) 2005, so this period is examined in detail. However, in order to understand the current situation of this indigenous group, it is important to take a look at the history of the Montagnards and their interactions with mainstream Vietnamese culture and the American Special Forces during the Vietnam War (1954-1975[11]).

The Montagnards come from in The Central Highlands of Viet Nam. The Central Highlands consist of four provinces in Western Viet Nam namely Dak Lak, Dak Nong, Gia Lai and Kon

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[10] The indigenous hill tribe groups of Vietnam is being referred to using a number of different names, and the term "*Montagnard*" can be considered controversial.

In Vietnam, all ethnic groups are being referred to as "*đồng bào dân tộc thiểu số*" meaning ethnic minority compatriots. The Western press, the development agencies and the human rights organizations tends to favor the term Montagnards, which comes from the French expression for 'Mountain dweller', a term first used during the Vietnam War. (Writenet, 2006: 2)

Several of the ethnic minority groups abroad also prefers the term Montagnard as it sets them aside from the ethnic Vietnamese (know as Kinh) and attempts to unify the ethnic people from the highlands as a group with a shared history and shared problems, although they represent many ethnic and linguistic divisions. Other expatriate groups have moved away from the Montagnard term because of its colonial baggage, and are instead promoting the term "*Dega*" meaning "*sons of the mountains*". The Dega term was introduced during the Vietnam War by member of "*Front Unifié de Lutte des Races Opprimées*" ("United Front for the Struggle of the Oppressed Races" (FULRO)), an armed group of highlanders that fought for autonomy for the highlands against both the North and the South during the Vietnam War. The terms Dega and Montagnard is now being used interchangeable by most expatriate groups. (Writenet, 2006: 2)

In this research the term Montagnard is being used, however that should not be seen as an expression of preference – it is merely done for consistency.

[11] American active combat units fought on the side of the South Vietnamese troops from 1965 to 1973 (Britannica, 2007)

Tum. These four provinces form a high plateau separating them (in geographical terms) from the rest of Viet Nam on the one side and bordering to Cambodia on the other (see map to the right). The border area is sparsely populated, remote from the urban centres of Viet Nam, and much of it is jungle.
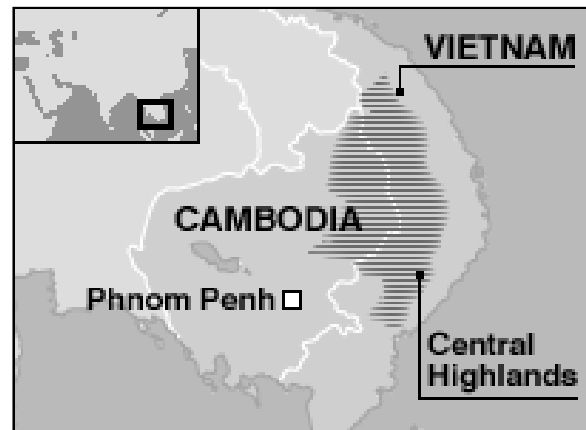
Picture adopted from BBC News
(De Launey, 2005)

The Highlands are also differentiated from the rest of Viet Nam in demographical terms as they have a high density of ethnic minorities. Among these ethnic minorities, there is considerable diversity (the Vietnamese government recognizes 54 ethnic groups in the country including the *Kinh* who are the *"ethnic Vietnamese"*, but even within these groups there is great ethnic variation). Ethnic minorities make up approximately 13 percent of the population of Viet Nam. (Writenet, 2006: 2) Until the twentieth century, the central Highlands' population was almost entirely composed of ethnic minorities, but the overall population of the Highlands increased throughout the century due to a new migration policy by the central government, and by 2006 the ethnic population in the four provinces is 54 % in Kon Tum, 44 % in Gia Lai, 30 % in Dak Lak and 23 % in Lam Dong (in absolute numbers this translates to about 1.4 million Montagnards out of a total population of about 4 million). (Writenet, 2006: 3-4)

In addition to the geographical and demographic factors, the Highlands are also differentiated from the rest of Viet Nam on grounds of religion. Many Montagnards are *"Dega Christians"*. Dega Christianity is organized in both independent and home-based churches. Dega Christianity is not recognized by the Vietnamese government as a legitimate religion; instead the government believes that the Dega churches are a cover for a Montagnard separatist movement and connections to the Western world in particular to the United States. (HRW, 2006: 11-12)

The Montagnards played a significant role in and were highly affected by the Viet Nam War (more accurately known as "The Second Indo-China War"). The U.S. forces declared parts of

the Highlands as "free fire zones" in order to smoke out North Vietnamese troops, whose transportation trails (the "Ho Chi Minh trail") passed through the Highlands going to Cambodia and Laos. Both North Vietnamese and U.S troops tried to recruit Montagnards, but due to past repression of the highlanders from former Vietnamese regimes, the U.S was more successful in this endeavour. At the beginning of the 1960s, U.S. forces recruited Montagnards for village defence units, to conduct reconnaissance in the area and for intelligence gathering. Montagnards were also trained by U.S. Special Forces Detachment A-35 to conduct paramilitary operations. In the CIA's Village Defence programme alone approximately 18,000 Montagnards were armed.

A militant rebellion group by the name of FULRO[12] was formed in 1964 by 3,000 Montagnard combatants in U.S. Special Forces Camps. FULRO demanded special status for the Highlands, as well as economic development, reinstatement of customary law, use of minority languages in the schools, a Highland military force and control with foreign aid to the Highlands. After violent incidents between FULRO combatants and Vietnamese forces, the U.S. intervened with negotiations and Vietnamese troops placed units outside the FULRO camps. Eventually the rebels surrendered, and about 2,000 FULRO rebels fled into Cambodia where they established a new base.

The war had grave consequences for the Montagnards. It has been estimated that more than 200,000 Montagnards were killed during the war, and at least 85 percent of the total population in the Highlands were forced from their villages and displaced as internal refugees. The withdrawal of American troops and the reunification of Viet Nam did not bring stability to the Highlands. The new regime in Hanoi had no intentions of granting the Highlands autonomy; instead they started resettling low-land Vietnamese in the Highlands, which were proclaimed "new economic zones". Those Montagnard who had worked with FULRO or the U.S. Special Forces were sent to re-education camps.

This led to a resurrection of the FULRO movement (now based out of the border province Mondulkiri in Cambodia), and it began to conduct small attacks on Vietnamese troops in the border region. In the late 1970s and early 1980s, FULRO was supported by the Khmer Rouge regime of Cambodia, but they parted ways in 1986. The same year hundreds of FULRO combatants and their families were resettled to the United States as refugees. By 1992 the movement was demoralized and lacked ammunition, food and supplies, and the remaining

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[12] FULRO: Front Unifié de Lutte des Races Opprimées/ United Struggle Front for the Oppressed Races.

400 FULRO soldiers surrendered to the United Nations Transitional Authority in Cambodia (UNTAC). The groups received asylum in the United States and were resettled to North Carolina. (HRW, 2002: 13-27)

Meanwhile, in the 1990s, the situation in the Central Highlands in Viet Nam worsened. Due to the immigration of lowland Vietnamese, land conflicts in the Highlands escalated and threatened the Montagnards indigenous way of life. Simultaneously religious repression grew, and living conditions in the Highlands fell well below the national level.

The Highlands experienced significant immigration during the *"second five-year plan"* (1976-1980). The five year plan meant that 1.5 million people from urban centres in the South of Viet Nam, and 2.5 million people from densely populated areas in the North of Viet Nam were resettled to the remote Highlands. This radically changed the ethnic composition of the Highlands, and by 1989 more than two-thirds of the populations in the Highlands were ethnic Kinh. Adding to the planned migration, a large number of people also immigrated to the Highlands to benefit from the rapidly growing coffee production. (Writenet, 2006: 26-27)

The significant migration led to land conflict. Traditionally, the Montagnards had managed their land in accordance with customary law (one could have the right to inherit and use land, but not sell it to outsiders) and practised rotational farming techniques (Writenet, 2006: 27) – a technique derogatorily known as *"slash and burn"*. In the 1970s and 1980s, the majority of the Montagnards traditional land was nationalised for logging and coffee production, and smallholder agriculture was turned into socialist cooperatives and state farms[13]. These changes led to land disputes, and by 2002 it was estimated that almost half (49 percent) of all minority households had inadequate land for their food production needs. (Writenet, 2006: 27-31)

As mentioned earlier in this chapter, another very problematic issue for the Montagnards is that of religious freedom. Article 70 of Viet Nam's constitution guarantees religious freedom; however, that is not the reality. Traditionally, the Montagnards followed animistic religiosity, but missionaries in the twentieth century converted many to Christianity, and by the end of the Viet Nam War, there were hundreds of Protestant churches in the Highlands. It is estimated that approximately 400,000 Montagnards belong to the Christian faith. The central

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[13] In Viet Nam socialist cooperatives and state farms are known as SFs – in Vietnamese *"nông trường"*

government in Viet Nam has seen Protestantism as an undesired foreign influence and a threat to national and societal security. The government has therefore actively tried to repress and eradicate Protestantism in the Highlands by instituting prohibitions on meetings and evangelizing – doing so through police raids on house churches, detention and imprisonment of followers and fines for unauthorised religious activities. (Writenet, 2006: 34-35)

Although Viet Nam is still one of the world's poorest countries, poverty levels for the general population in Viet Nam have dropped radically over the last 20 years. However, minority groups – such as the Montagnards – are still experiencing high levels of poverty. In 2002 almost 70 percent of the country's ethnic minorities were living in poverty. (Writenet, 2006: 22). Additionally, the ethnic minorities have lower levels of education and worse health. In 2002 less than 20 percent of the children in the Highlands attended secondary school (compared to over 80 percent of ethnic Kinh children): This is partially due to the fact that these children grow up in remote areas, but it is also because their parents tend to be poor and therefore cannot afford school fees or afford having one less hand to help secure food. Another reason seems to be a lack of qualified bilingual teachers. (Writenet, 2006: 25)

Another serious concern for the people in the Central Highlands relates to health. The life expectancy nationwide for Viet Nam was 70.9 years in 2002. However, when isolating the number to the Central Highlands, it drops to 63.5 years. According to World Health Organization (WHO), the low life expectancy is a consequence of poor health care; a majority of deaths are still a result of easily preventable or treatable diseases such as malaria and leprosy. A Highland province – Dak Lak – has Viet Nam's highest percentage of underweight children under five (45.3 percent in 2002), and infant mortality rates in the indigenousness groups in the Highlands are about triple that of ethnic Kinh. (WHO, 2002) These troubling health statistics are in part due to poverty (the Montagnards generally have a low coverage of health insurance), but is also due to language barriers, cultural barriers and (perceived) discrimination. (HRW, 2002: 71-72)

The hardship outlined here eventually erupted into protests, which in turn led to the first refugee flow of Montagnards into Cambodia in the period examined.

6.1.1. The 2001 and 2004 protests

In 2001 there were protests by the several thousand people from various ethnic minorities in the provincial capitals of Viet Nam. On 2 February 2001 at least 3,000 – 4,000 protester gathered in Pleiku, the provincial capital of Gai Lak, and approximately at least 1,000 protesters gathered the day after in Buon Me Thuot, the provincial capital of Dak Lak province. Some observers put the numbers even higher – up to 20,000 protesters in all. (Writenet, 2006: 4)

The demonstrators protested against the lack of religious freedom and demanded more political independence for minorities. They demanded to see the provincial authorities to discuss these issues. (Writenet, 2006: 4). These protests were large-scale, they were well organized and they drew great attention nationally as well as internationally, as public display of dissatisfaction is a very rare event in the tightly controlled socialistic state of Viet Nam. (Writenet, 2006: 4)

At the second protest in Buon Me Thuot on the 3 of February there were reports of police violence during and after the demonstrations. According to Human Rights Watch (HWR), the police used tear gas and water cannons to spread the crowds, and some protesters apparently responded with throwing rocks. Smaller protests erupted in the days following, and they resulted in even more serious confrontations with the police – there are reports of at least one police man being tied up by the crowds. (HRW, 2001: 89-91)

At first, the Vietnamese government attributed the protest to "misunderstandings" and "easily agitated minority villagers". However, the government's focus soon switched to influence from "outside extremist and foreign elements" – in particular in the United States. The Government of Viet Nam named FULRO (the group of highlanders that fought for autonomy for the Highlands during the Vietnam war) responsible, although the last member of FULRO was found by the UN Transitional Authority troops (UNTAC) in Cambodia in 1992, and the movement had been declared dead by the Vietnamese authorities at this time. (Writenet, 2006: 5) Now, the Vietnamese government claimed that FULRO members were running exile minority groups – in particular the Montagnard Foundation Inc (MFI) based in North Carolina in the United States – for infiltrating the Highlands to advocate for independence for the Highlands, the so-called *Dega Lands*. (Writenet: 2006, 5)

Although these accusations may seem improbable due to the reported decease of the FULRO movement, they have been supported by reports from Human Rights Watch. In 2001, HRW interviewed MFI supporters in Cambodia and the United States, and they found that MFI had begun to recruit people to work the for independence movement to advocate autonomy for the high lands, religious freedom and land rights. (HRW, 2001:82-83) This is cooperated by my interview with the representative for MFI; he did confirm that MFI had played an active role in organizing the demonstrations, but he also stressed that MFI had been advocating non-violent demonstrations. (SJ: MFI, 1.3.2007)

It seems well-documented that the MFI influence in the Highlands contributed to the 2001 protests; however, it is unclear whether or not the protesters supported the MFI's alleged goal of independence. HRW research and my interview with the spokesperson from MFI indicates that the Montagnards responded to MFI's call for protest because it coincided with their frustrations over land issues, issues of repression of religious rights and general discrimination. When the MFI called for "getting land back", the Vietnamese Government claimed they called for an independent state – a nation – whereas many protesters seem to have thought of it terms of recovering the land lost to the government in recent decades. In the words of the spokesperson for MFI:

"I think it [the demand for independence] *is a simplified version of it. When I talk to Montagnards about it, I don't get that impression. They say "the Montagnard want independence". "Tell me what independence is". "We want to control our own land we don't want these people to come in and doing everything". It is very different. So, when they say that they want independence – are they saying that they want to overthrow the government or do they really want to be left alone (?) – we are talking about people with very limited education, who are not speaking a foreign language. Who in their own native language don't have a word for "independence""* (HRW, 2002: 82-84 and SJ, MFI: 1.3.2007).

What the Montagnards were protesting, and what the government of Viet Nam and the surrounding world thought they were protesting was likely not the same thing.

Human Rights Watch reported that in the immediate period after the protest there was a significant increase in army presence in the Highlands, and the police started to arrest movement leaders and protesters. Later in 2001, a number of trials were held in Viet Nam charging protesters with articles from the Vietnamese Penal Code referring to issues as

national security such as *"Undermining the Unity Policy"* (article 87); *"Disrupting security"* (article 89), and *"Causing public disorder"* (article 245). (HRW, 2001: 116) Human Rights Organizations reported a tightened security situation in the Highlands for the rest of 2001. This continued in 2002. There have been claims that further demonstrations were planned for Viet Nam's national day on 2 September 2002, but that the alleged organizers of these demonstrations were arrested prior to the date. A discovered "secret" Communist Party document from October 2002 outlined a government campaign to eliminate the politicized "Dega Protestantism". The campaign planned involved forced renunciation of the Protestant faith, closing of prohibited churches and sanctions against individuals who attended house church meeting. (HRW, 2003).

Again in 2004 more public protest erupted in the Highlands. On Easter weekend (10-11 April 2004) thousands of ethnic minorities demonstrated in numerous districts of Gia Lai, Dak Nong and Dak Lang – the demonstrations have come to be known as the *"Easter Protests"*. The exact number of people that participated is unclear. Human Rights Watch estimated that there were around 30,000 demonstrators, while the Vietnamese government put the estimate number at 5,500. (Writenet, 2006: 6-7)

The demonstrations in 2004 were different from the demonstration in 2001 in a number of aspects. It seems that the 2004 demonstrations were more significant in numbers, and they were also far more violent. The exact chain of events is unclear; however, there seems to be consensus on a few points: at least one building of the "People Committee" was destroyed, and properties of Kinh migrants residing in the Highlands were attacked. (Writenet, 2006: 7). The Vietnamese government blamed the protesters for these attacks and claimed that the demonstrators had carried sticks, rocks, knives and slingshots. They also reported that the demonstrators had used these weapons to attack the security forces present. Contrarily, human rights organizations state that the violence was initiated by the security forces and civilians. Human Rights Watch reported that there were at least 200 injuries and 10 casualties. (Writenet, 2006: 7).

As in 2001, the Vietnamese government claimed that the Montagnard Foundation Inc. (MFI) was behind the demonstrations. The government claimed that MFI had offered the

Montagnards in the Highlands money and air tickets to the United States for protesting. The government turned to a public rhetoric where the minority protests were almost exclusively labelled as "*radical Dega Protestantism*". The proposed link between MFI (and their goal of an independent state in the Highlands) and Protestantism meant that even church leaders and other Protestants who had not been involved in the Easter demonstrations were being detained and harassed by the Vietnamese authorities. (Writenet, 2006: 7).

Again the reports of external influence were not supported by data from the human rights organizations. Human Rights Watch interviewed Montagnards who had fled into Cambodia in the aftermaths of the protests, and these refugees/protesters claimed that there has been no external influence, they were non-violent and the main issues for the protest included freedom of religion, land issues and the release of Montagnard prisoners. (HRW, 2004).

In summary, the Montagnards livelihood and lifestyles have for decade been under pressure from the central government in Hanoi due to land conflict, resource distribution, issues of religion and the minorities support to the U.S. troops during the war. These conflicts led to two major demonstrations in the period examined, and one of the major consequences of these internal conflicts led to a refugee flow into neighbouring Cambodia changing the nature of the conflict from one of a national conflict to that of an international conflict. This refugee flow will be examined in the chapter following.

6.2. Refugee flows into Cambodia

As outlined in the above, between 2000 and 2005 the conflict between the Montagnards in the Highlands and the Vietnamese government tightened, which resulted in considerable waves of Montagnard refugees into Cambodia. The recorded number of Montagnard arrivals between 2001 and 2005 is displayed in the table on the next page:

Fig. 4: Arrivals of Montagnard refugee in Cambodia, 2001 – 2005

Year	Montagnard New Arrivals (including newborns)	Population remaining from previous year	Total number of Montagnards assisted during the year
2001	992	-	992
2002	155	760	915
2003	60	124	184
2004	863	20	883
2005	224	784	1008
		Total number of arrivals 2001-2005:	2294

(Table kindly provided by UNHCR Phnom Penh)

As the table shows, Montagnard refugees have arrived in Cambodia every year since 2001; however, the years of public demonstrations (2001 and 2004) have created the largest amount of refugees (992 and 863 individuals respectively). These numbers have kindly been provided by UNHCR office in Phnom Penh as this data is not publicly available, and the table represents the number of Montagnard refugees that have been registered by UNHCR. It is highly likely that the total number of Montagnard refugees who fled Viet Nam in the time period was higher. The journey from the Central Highlands to Cambodia is a treacherous one, and it is very likely that some may not have made it to the UNHCR office to present their claim. Apart from the natural risks on the journey, the refugees also face the risks of Vietnamese officials trying to stop them and Cambodian police trying to forced them back over the border. (Soenthrith, 2006).

From 2003 to 2005, UNHCR personnel did a sample survey of about 25 percent of the primary applicants in those years and their overriding reasons leading to flight from Viet Nam. The sample included applicants from different geographical areas; different ethnic sub

groupings (Jarai, Ede, Mnong etc); and different age groups (including unaccompanied minors). Despite these precautions the data can not necessarily be viewed as representative for the entire group of Montagnard asylum seekers. The issues leading to flight have been broadly categorized into *"political"*, *"religion"* and *"land"*, and the frequency (expressed in percent) of which they were articulated is displayed in the table below:

Fig. 5: Primary reason for flight; expressed by Montagnard refugees 2003-2005

	Political	Religion	Land
2003	43%	49%	8%
2004	35%	48%	17%
2005	47%	29%	24%

(Data kindly provided by UNHCR Phnom Penh)

Politically motivated reasons[14] for fleeing include harassment and persecution due to affiliations with the Tin Lanh Dega movement and/or with FULRO, or for participating in a demonstration. It also included ethnic discrimination and restriction on movement. Religious motivated reasons[15] for fleeing were violations of freedom of religion, most notably

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[14] The specific claims labeled as "political" issues of persecution were: Harassment by authorities due to suspension of being Tin Lanh Dega e.g. summoned, questioned by the police etc; detained by the authorities for being Tin Lanh Dega; harassed by authorities for being ex-FULRO, harassed or arrested after being deported from Cambodia; beaten by authorities for participating in demonstrations; harassed at school for being affiliated with FULRO or Tin Lanh Dega; denied university education because of affiliation with Tin Lanh Dega; harassed due to contact with foreigners; restrictions on movement: not allowed to travel to another village or town without prior permission from the police; police monitoring: police keeping an eye on the house, village; refused medical care because of Jarai ethnicity; harassed because of relatives in the U.S.

[15] The specific claims labeled as "religious" issues of persecution were: Restrictions on the freedom of religion: negative comments, various threats from the police etc; fines for religious activities; arrests for Tin Lanh membership; forced labor e.g. cutting grass, digging land, fetching water from the river, cutting trees, cleaning the police station; beatings by authorities; forced to renounce Tin Lanh either in writing or orally; prohibited to pray in large groups; confiscation of Bibles; arrest of church leaders; and discrimination at school due to Tin Lanh membership.

individuals being forced to renounce their faith and church leaders being arrested. Claims relating to land[16] were provoked by land confiscation. (Konin, 2005)

The significance of all three categories – politics, religion and land – grew rapidly in frequency over the years examined. One trend especially worth noting is that frequency in all categories took a striking jump in 2004 – the year of the second round of large demonstrations in the Highlands. The data is not solid enough to draw a final conclusion on; however, it could indicate that the situation in the highlands worsened between 2003 and 2005 and that conflict over land is intensifying simultaneously with growing religious and political persecution. On the other hand, the number could also be an expression of a more thorough refugee status determination (RSD) process allowing for more issues to surface. Finally, it could be an indication that the refugees have been briefed before they presented their claims in order to ensure that their claims were significant enough to be recognized by the UNHCR.

Most of the Montagnards under the protection of UNHCR between 2000 and 2005 were resettled to third countries (1663 individuals), whereas smaller segments were repatriated to Viet Nam (291 individuals), as it can be seen in the graph on the next page:

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[16]The specific claims labeled as "land" were: land confiscation; not financial compensation after land confiscation; and difficulties coping with economic change.

Fig. 6: Resettlement versus repatriation of Montagnards, 2000 – 2005
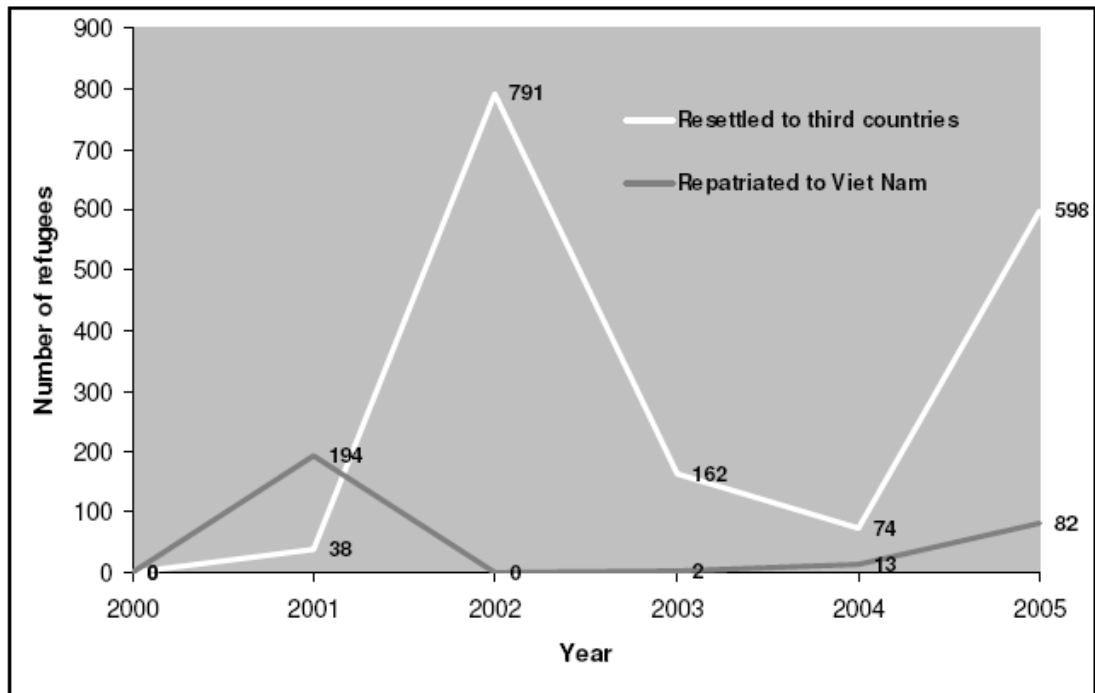
(Data kindly provided by UNHCR Phnom Penh)

As figure 6 clearly illustrates, the vast majority of the Montagnard were resettled to third countries. Four countries accepted Montagnards for resettlement, namely the United States, Canada, Sweden and Finland. The numbers for resettlement are outlined in the table on the next page (Fig. 7):

Fig x. Resettlement of Montagnard separated by country, 2000 – 2005

	2000-2003	2004	2005
United States	991	67	474
Canada	-	-	57
Sweden	-	7	-
Finland	-	-	67
Total number of resettled Montagnard refugees: 1663			

(Data kindly provided by UNHCR Cambodia)

The total number of refugees who were either repatriated or resettled constitutes 1,954 individuals in all. When compared with the total number of Montagnards under the care of UNHCR Cambodia from 2000 to 2005 (2294 individuals), one will notice that 340 of the Montagnards registered with UNHCR were neither repatriated nor resettled. Anecdotal evidence indicates that out of these 340 Montagnards, some were rejected asylum seekers who were deported by the Cambodian Government (at least 160 individuals), while others were asylum seekers who choose to repatriate spontaneously without the support of UNHCR (at least 114 individuals). (EU Emb., 2006: 10 and Casella, 2005:1)

Also, a number of the acclaimed Montagnard asylum seekers were in fact not Vietnamese Montagnards. A document from the European Embassies shows that in 2005 alone 63 asylum seekers later confessed to in fact being Cambodian Jarai[17]. (EU Emb., 2006: 10). Apparently this group of Cambodian nationals had presented asylum claims to UNHCR hoping to be resettled to the U.S. In other words, they tried to use to the institution of asylum to migrate perhaps in the absence of legitimate ways to migrate. When the living conditions in Cambodia are taken into consideration, this is in many ways an understandable attempt at reaching a better future – however, it is likely to hurt the cases of the Montagnard asylum seekers. A (relatively low) number of illegitimate cases in a group does not mean that the rest of the

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[17] Jarai is an indigenous group (also Montagnard) that lives in the Central Highlands as well as in the border provinces of Cambodia.

claims are not perfectly legitimate claims where refugee status should in fact be recognized. However, the absurdness of the matter is likely to negatively impact the way the issue is viewed by the agencies involved, the international society and the public, and it could affect the embassies willingness to engage actively in the matter.

In summary between 2001 and 2005, 2294 Montagnards presented themselves to UNHCRs office in Phnom Penh and claimed asylum mainly as a result of political and religious conflicts in Viet Nam. The majority of this group ended up being resettled to third countries, while a small segment were repatriated to Viet Nam. Of those resettled, the vast majority were sent to the U.S. The following part of this paper outlines how different national and international stakeholders responded to this flow of Montagnard refugees into Cambodia.

6.3. Management of the Montagnard refugees

In the following the management of the Montagnard refugee crisis will be outlined, with a special emphasis to the obstacles that presented themselves, complicating the goal of sound refugee protection (and thereby the human security of the Montagnard refugees). Hoping to ensure a higher degree of clarity, the outline is presented chronologically.

As explained in previous chapters, it was during the aftermath of the protest in February 2001 and the events that followed when a steady stream of Montagnards started arriving in Cambodia presenting asylum claims on grounds of fear of persecution.

The first group arrived in the North-Eastern Cambodian province of Rattanakiri in mid-February 2001, and the volume increased throughout the year as the arrests and trials of the protesters proceeded in Viet Nam. (Writenet, 2006: 4-8)

The government of Viet Nam first claimed that these individuals were FULRO rebels, but soon changed their position to saying that the individuals were *"absolutely not political refugees"* but merely *"ordinary people"*. Viet Nam sought actively to avoid the term *"refugee"* so that the issue could be handled as a domestic Vietnamese issue and not an international one. Viet Nam's argument was that – in accordance with ASEAN agreements and bilateral agreements – any illegal border crosser should be deported to the country of origin. Viet Nam and Cambodia are close allies, and it was feared that Cambodia would comply with the Vietnamese position. However, Cambodian Prime Minister Hun Sen

announced in late March 2001 that the 38 individuals would be granted temporary asylum. The 38 individuals' cases were reviewed by UNCHR, and they were all found to meet the UN definition of refugee status, and they were resettled to the United States in April 2001. (Writenet, 2006: 8)

Later in the spring of 2001, the press in Cambodia reported that Cambodian Police were forcing Vietnamese migrants back over the border to Viet Nam. These reports were corroborated by UNHCR, and by May 2001 it was thought that as many as 100 individuals had been forced back over the border. This appeared to be in violation with Cambodia's obligations as a signatory to the 1951 UN convention on refugees. (UNHCR, 2001).

In May 2001 UNHCR received permission to set up to two camps in Rattanakiri and Mondulkiri for the Vietnamese refugees arriving in the border provinces. By June 2001, these two camps hosted 400 individuals. However, the UNHCR presence in the border provinces did not seem to stop the forceful repatriation by the Cambodian police. (Reed, 2001 and UNHCR, 2001)

During the second half of 2001, more than 700 individuals arrived in the UNHCR camps in Cambodia. (Writenet: 2006, 9)

Human Rights Watch (HRW) has reported that the establishment of UNHCR camps in the border area may have encouraged more people from the Highlands to cross into Cambodia – people that had not initially been involved in the protests in February. People interviewed by HRW told that the harsh conduct of Vietnamese government in the Highlands had encouraged them to leave. The Vietnamese government had imposed severe travel restrictions for the minorities in the Highlands (with severe economic effects) and were forcing Protestants to disown their faith. Some had reportedly also been told by family members abroad or members of MFI that UNHCR would help the Montagnards to establish an independent state. (Writenet, 2006: 8-9).

By the beginning of 2002, over a 1000 individuals from the Highlands were waiting in the camps in Cambodia. (Writenet, 2006: 9). On 22nd February 2002, a tripartite agreement concerning the Montagnard situation was signed between UNHCR, the Government of

Cambodia and the Government of Viet Nam[18]. The agreement entailed repatriating the Vietnamese to the Highlands on the condition that UNHCR were given monitoring access to the Highlands. It had taken well over six months to negotiate the agreement; the main obstacle was Viet Nam's reluctance to grant UNHCR access to the Highlands. (Writenet, 2006: 9)

The agreement received criticisms from the NGOs as well as from US officials. The main concern was that UNHCR would not be able to monitor the situation in the Highlands to a sufficient degree, as they had no office in the Highlands and all monitoring visits would have to be cleared with the Vietnamese government before they could take place, giving the administration an opportunity to influence the outcomes of these visits. Also, the agreement did not include any protection for freedom of religion or protections for the leaders of the land and independence movement. (Writenet, 2006: 9-10).

Shortly after the agreement was signed, UNHCR officers went on four monitoring trips to the Highlands to start the preparations for the first round of voluntary return. The repatriation plans were heavily criticized by human rights organizations as well as by the US ambassador to Cambodia, Mr. Kent Wiederman, who argued that there was not enough time to guarantee a safe repatriation process. UNHCR decided to postpone the first round of repatriation – a decision that greatly upset the Vietnamese government. Viet Nam reacted to this change of plans by sending a delegation to meet with Cambodian officials in Phnom Penh on 21 February 2002. The two parties came to a new agreement that excluded UNHCR from the process. All Montagnard refugees would be returned to Viet Nam before the end of April without any further investigation, and further asylum seekers would be rejected. (Writenet, 2006: 10)

On the same day, the American Embassy in Phnom Penh announced that the United States would accept all Montagnards that did not feel safe to return for resettlement. (Writenet, 2006: 10)

On the 21st of March 2002, a significant incident occurred in the UNHCR-run refugee camp in Mondulkiri. Twelve buses, carrying more than 400 Vietnamese nationals arrived in the camp. They allegedly threatened the refugees and UNHCR staff and demanded that the refugees would return with them to Viet Nam. Six of the refugees eventually did. The

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[18] A request for a copy of the tripartite agreement was denied by UNHCR, as the specifics of the agreement is not available to the public.

following day, UNHCR disassociated itself from the Memorandum of Understanding (signed exactly one month earlier) stating that it *"no longer confirms with its mandate or principles governing voluntary repatriation"*. (UNHCR, 2002).

Cambodia restated that all Montagnard refugees would have to be resettled or repatriated as soon as possible, and UNHCR was ordered to close the camps near the border by the Cambodian government and move all the refugees to sites in Phnom Penh. (Writenet, 2006: 11)

The first group for resettlement in the US left Cambodia in June 2002. (Writenet, 2006: 11)

Because the UNHCR camps near the border had been closed, new asylum seekers would now have to travel to the UNHCR office in Phnom Penh to claim asylum. In 2003, only 38 individuals succeeded in this task.

However, the international press reported that at by the end of 2003 at least 60 Vietnamese individuals with possible refugee claims were hiding in the jungle in Rattanakiri. Out of this group, only 8 individuals made it to the UNHCR office in Phnom Penh – the rest were forced back over the border by Cambodian police. (Writenet, 2006: 11)

The situation continued in 2004, and 80 Montagnard refugees made it to the UNHCR office in Phnom Penh to claim asylum between April and July 2004, while another 12 individuals managed to get to the UNHCR office in Bangkok where they were granted refugee status. (Writenet, 2006: 11)

Meanwhile, there were reports of hundreds of Montagnard refugees hiding in the Cambodian jungle. They were aided by the local villagers in Rattanakiri and Mondulkiri, but local police threatened to arrest anyone who was found helping the refugees. (Writenet, 2006: 11-12)

Cambodia's official position in 2003 and 2004 was that the granting of asylum worsened the situation as it provide an incentive for the Montagnards to leave the Highlands, and this could damage its relations with Viet Nam. The government claimed that UNHCR involvement gave unwanted international attention to what it considered to be a bilateral problem. (Writenet, 2006: 11)

In June 2004, the EU Embassies met with Cambodian Prime Minister Hun Sen, and the meeting resulted in the Cambodian government agreeing to let UNHCR reopen offices in the border provinces with the condition that the offices would not be turned into actual refugee camps. (Writenet, 2006: 12). UNCHR subsequently reopened their offices in Rattanakiri and Mondulkiri, and five months later over 500 individuals had been registered and transported to Phnom Penh to have their cases reviewed. (Writenet, 2006: 12).

The situation was complicated, however: Viet Nam argued that refugee camps should be set up near the border again although the tripartite agreement had been abandoned. At the same time, Viet Nam accused UNHCR of luring individuals to Cambodia and UNHCR personnel of collaborating with the Montagnard liberation and land movement. UNHCR dismissed these accusations, but noticed that several of the asylum seekers had heard through rumors and radio broadcasts that UNHCR would assist them with the battle for land rights in the Highlands. (Writenet, 2006: 12).

By the end of 2004, 750 people were under the care of UNHCR in Cambodia. (Writenet, 2006: 12).

By the beginning of 2005, no solution had been found for the 750 individuals waiting in Phnom Penh. Cambodia was still unwilling to offer permanent asylum to the Montagnards and warned that they would be deported back to Viet Nam unless a solution was found. (Writenet, 2006: 12). A significant part of the refugees waiting at the UNHCR sites were refusing resettlement abroad (Writenet, 2006: 13); the case of this group will be elaborated in the following chapter (6.4).

In late January of 2005, Viet Nam, Cambodia and UNHCR met in Hanoi with the objective of finding a solution to the situation. Viet Nam presented a new draft agreement stating that the Montagnards who returned to the Highlands would not be prosecuted. (Writenet, 2006: 13). This draft was adjusted, and a new tripartite agreement (Memorandum of Understanding – MoU) was signed by the three parties. The Memorandum of Understanding stated that there would be a quick resettlement to third countries for refugees who wanted that and those who volunteered to return to Viet Nam would be assisted to do so. Those individuals who wanted neither, would be given a month to chose one of the options, or they would be sent back to Viet Nam *"in conformity with national and international laws"*. (UNHCR: *UNHCR signs Agreement*)

The Memorandum of Understanding has a number of peculiar features. It affirms that *"The Government of Vietnam stated that the Vietnamese Central Highland ethnic minority people cross the border without authorization into Cambodia, not because they are oppressed, persecuted or forced to flee".* (MoU, 2005: 1) The memorandum does not state if the Cambodian representatives or UNHCR objected to this controversial statement.

The Memorandum of Understanding is signed by representatives for the governments of Cambodia and Viet Nam and by the Director of UNHCR's Department for International Protection, Ms Erika Feller. As such, UNHCR has signed a statement saying that the Montagnards are not refugees – yet they simultaneously granted them refugee status when the Montagnards presented their asylum claims at the UNHCR office in Phnom Penh.

As in 2002, the Memorandum of Understanding was criticized by human rights organizations. The human rights organizations had a number of concerns. A major issue was – as in 2002 – the UNHCR restrained ability to monitor the conditions for the repatriated, as UNHCR still had limited access to the Highlands and no office in the area. The one-month deadline for those individuals who were refusing both resettlement and repatriation was also criticized for potentially jeopardizing the voluntary nature of repatriation, and it was argued that it was not in conformity with international and national law as stated in the agreement.   Another point of controversy was that permanent asylum in Cambodia was not being offered to the Montagnards. (Writenet, 2006: 13)

The outcome of the Memorandum of Understanding was that approximately 75 percent of the Montagnards accepted the offer of resettlement to a third country, while the rest decide to go back to Viet Nam under the voluntary repatriation scheme. The refugees that were resettled to third countries a majority were sent to the United States, but some also went to Sweden, Canada and Finland. (Writenet, 2006: 13). All in all, 190 individuals returned to Viet Nam in 2005, while 605 have settled abroad. (Writenet, 2006: 13-14).

Of the 190 individuals who have returned to Viet Nam, 94 were rejected asylum seekers. These 94 individuals were deported by the Cambodian government. (Writenet, 2006: 14).

Human Rights Watch has claimed that refugees who were repatriated to Viet Nam have faced persecution including interrogations, beatings and torture. One of the central pieces of

evidence used in the report is that several refugees – who had returned voluntary to Viet Nam or had their asylum claim rejected – have returned to Cambodia seeking the protection of the UNHCR. (HRW, 2006)

By June 2006 more than sixty Montagnards were imprisoned in Viet Nam for attempting to flee to Cambodia to seek asylum. Most of them are charged with *"fleeing abroad or defecting to stay overseas with a view to opposing the people's administration"* – article 91 in the Vietnamese penal code[19]. (HRW, 2006: 23)

To sum up briefly: Cambodia consistently refused the Montagnards permanent settlement on their territory, so instead the refugees were either repatriated to Viet Nam (with various degree of voluntariness) or resettled to the United States. There were also examples of *refoulement*.

6.4. The "refuseniks"

One of the most distinctive features of the Montagnards refugees is the group of *refuseniks*. The *refuseniks* were – as the name indicates – a group of Montagnard refugees who in 2004 and 2005 simply refused any of the durable solutions offered to them; they simply insisted on staying in Cambodia. The group involved around 350 refugees. It caused significant problems for the main stakeholders (namely UNHCR) and led to debates about the very nature of the refugee group.

In the international community in Phnom Penh, there was a suspicion that the *refuseniks* were being influenced by Montagnard groups in the United States because they said that they wanted the United Nations to intervene in Viet Nam. (EU Emb., 2006: 5)

The five stakeholders interviewed had very different views on the *refuseniks*; and the motivation behind their decision to refuse the solutions offered. Broadly speaking there were three possible explanations offered.

The first explanation was that the *refuseniks* were making a political statement on their desperate situation in Viet Nam and were attempting to attract international attention. The

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[19] It can be argued that this law violates the right to leaves one's country and to seek asylum outside one's country as stated in articles 13 and 14 of the Universal Declaration of Human Rights

group could have been influenced by foreign exile groups (notably Montagnard Foundation Inc).

The second explanation was that the refugees were simply sick, tired and scared and just wanted to stay in Cambodia where the surroundings were somewhat familiar. They were relatively close to home (where some of them still owned a little bit of land) and they were safe and provided for while in the UNHCR sites. Related to this second explanation is the element of family reunification, which was relatively low at the time, so some were simply afraid that they would never see their loved ones again if they accepted resettlement in the West.

The third explanation was that since this group would not accept transfer to a safe destination, it simply meant that they had never been refugees in the first place.

None of these explanations to the *refuseniks* phenomenon are mutually exclusive. Since the *refuseniks* group included about 350 individuals, it seems unlikely that their motivations were identical. Some may have joined the group because they were tired and scared; some may have wanted to make a political statement and some may not have been refugees in the first place. For some, however, more than merely these reasons may have been motivating factors.

The UNHCR attempted to deal with the *refuseniks* by intensive counselling and by July 2005, most of the *refuseniks* had accepted either repatriation or resettlement, but six individuals insisted on staying in Cambodia. UNHCR had a number of meetings with them, and they concluded that they wanted to return home, but they did not want to sign the voluntary repatriation forms, as it could be seen as a sign of failing the Montagnard case. The Canadian Ambassador to Cambodia then stepped into the case, and interviewed the six Montagnards and publicly certified the voluntary nature of the return. (EU Emb., 2006: 4-9). The situation had been solved by pressuring the *refuseniks* to settle for one of the two protection options made available to them. It could be questioned how much pressure can be applied before repatriation loses its voluntary character, but UNHCR was arguably left with few other options as Cambodia was adamant that they would not allow for local integration.

7. Exploration of sustainable solutions to the Montagnard Refugee Crisis

The remaining part of this thesis is an attempt to determine why some of the refugees were sent abroad, while others were sent back to Viet Nam – and in particular to test the hypothesis that *"The decision concerning whether or not a Montagnard refugee was repatriated or resettled was based upon an estimation in regard to the best means to ensure the human security of the individual(s) in question"*. In the following, it will be discussed why certain "sustainable solutions" to a refugee crisis were utilized in this particular situation and why others were not.

7.1. Local integration

In theory local integration in the first country of asylum is one of the three sustainable solutions to a situation of forced migration; however, Cambodia has categorically denied the Montagnard refugees permanent settlement in their territory.

Cambodia signed the 1951 Convention relating to the status of refugees (including the 1967 protocols) in 1992, but to date it has not installed a national mechanism for determination of refugee status. (Brennan, 2005: 2). This may seem peculiar, but it should be noted that Cambodia became signatory to the convention in 1992, while its territory was still under the administration of United Nations Transitional Administration of Cambodia (UNTAC).

7.1.1. Cambodia's refusal to offer local integration

An obvious and relevant question is if Cambodia is in fact in violation of its obligations under the 1951 convention by not offering the Montagnards local integration? The convention places a duty on the state to – as a minimum – offer asylum seekers access to the refugee determination process (article 32 of the 1951 Convention). The Cambodian government is doing this by allowing the UNHCR an office in Phnom Penh where cases are being reviewed and by allowing sites where the Montagnards are physically safe during their wait. That being

said, it must also be noted that the degree to which the Cambodian government meets this obligation has lessened in the time span examined in this study.

In late 2003, the Cambodian government ordered UNHCR to close its camps in Rattanakiri and Mondulkiri close to the Vietnamese border. (EU Emb., 2006: 2) That meant that UNHCR officers had to take a long and slow drive to the border areas when there are reports of new refugees arriving. Alternatively, the refugees have to make it from the border area to Phnom Penh.

There are strong anecdotal indications that the closing of the UNHCR offices in Rattanakiri further jeopardized the human security of the Montagnard refugees. On June 1st 2006 the Cambodia Daily ran a news story: *"Bodies in River Believed To Be Asylum-Seekers"*. The story reported that at least five dead bodies were found floating in the Sesan River close to the border between Cambodia and Viet Nam. According to the first deputy of the Provincial Police Chief Hor Ang, 24 Montagnards had been chased by Vietnamese authorities (on Cambodian soil) but *"their children couldn't swim and drowned"*. (Soenthirith, 2006). There had been prior incidents of this nature where refugees had lost their lives trying to cross the border - including incidents where Vietnamese officials had fired shots (again on Cambodian ground). There is no systematically gathered evidence to support these reports. However, the severity of the claims, and the fact that such incidents have been reported recurrently over a period of years, suggests that these claims should be taken into consideration when evaluating the way Cambodia has dealt with the influx of Montagnard refugees.

Assuming that these reports are valid, the Cambodian government is allowing Vietnamese authorities to perform an act of *refoulement* on their soil. As discussed earlier, that not only breaches the 1951 convention on refugees (article 33), but it is also a violation of contemporary customary international law. Furthermore, it is significantly risking the human security of the refugees.

Even if only the more well-established data is taken into consideration, the closing of the UNHCR offices by the borders remains problematic for the management of the Montagnard refugee flow and for ensuring their human security.

In summary, the consequence of closing the camps was that the refugees were faced with basic but significant challenges in reaching the UNHCR office. They had to find their way in

a difficult and unknown territory (where land mines are plenty). They had to feed themselves and find shelter. Also, they needed to know *where* to go to have their claim assessed - something that requires some sort of transfer of information either in the Highlands or somewhere on route. In conclusion, it must be said that the order to close the UNHCR offices near the border seems to be a clear priority of regional relation politics over that of human security.

When the key stakeholders were asked why local integration was not being deployed as a durable solution to the Montagnard situation, there was an unusual level of agreement.

The representative for Human Rights Watch said *"Cambodia does not want to risk its relations with Vietnam"*.

The representative for Jesuit Refugee Service noted a similar motivation: *"The answer is simple: pressure from Vietnam. They did not want to have any problems with Vietnam because they depend on Vietnam economically and the current Cambodian government is very close to the Vietnamese government"*.

The representative from the U.S. Embassy in Phnom Penh put in plain words: *"There has been a lot of pressure from the Vietnamese government"*.

The two representatives for the International Organizations answered – as could be expected – in more diplomatic terms. The Chief of Mission for IOM said: *"There is a bigger political issue of the relations between Cambodia and Vietnam here. I cannot comment on that on record"*.

UNHCR gave the vaguest response when presented with the question: *"We are unable to say why Cambodia would not allow local integration. Decisions like that are at the discretion of the RGC, and it is the sovereign right of the RGC to decide what is in its best national interests"*. However, earlier in the interview but also on the topic of local integration the protection officer said: *".....national interests require the RGC to be sensitive to its next-door neighbour, Vietnam. It is speculated that the Vietnamese could be putting pressure on the RGC/ MFA."*

The interviewed stakeholders used different words, but essentially they all agreed: the government of Cambodia cannot or will not allow Montagnards to settle on their territory because it may jeopardize its delicate relations with Viet Nam. To find the reason for this, one must look back a decade or so.

In late 1978, Viet Nam invaded the territory of Cambodia (then called *Democratic Kampuchea*). The invasion was motivated by a range of reasons (most notably Viet Nam's desire to control the entire region formerly known as French Indo-China), but the triggering factor for the invasion is thought to be military attacks on Viet Nam from the Khmer Rouge during 1977 and 1978. The invasion ended in a ten-year Vietnamese military occupation of Cambodia. During the occupation the Vietnamese armed forces had pushed the Khmer Rouge regime out of power, but had on their own part suffered from political and economic isolation from the international community especially from China (who supported the Khmer Rouge regime) (Morris, 1999: 15-16 and 219) . With the Paris peace agreement in October 1991, Viet Nam was forced to hand over the governance of Cambodia to the United Nations Transitional Authorities in Cambodia (UNTAC)[20] . That, however, did not mean that Viet Nam stopped having a significant influence on Cambodian polity.

Since the UN controlled election in 1993, Cambodia has been ruled by Prime Minister Hun Sen – a man with close ties to the regime in Viet Nam. During the Vietnamese occupation Hun Sen was Foreign Minister of the People's Republic of Kampuchea (the name of the Cambodia at the time), and his continued tight control of Cambodia, combined with his loyalty and gratitude to the regime in Viet Nam effectively meant (and still means) that little happened in Cambodia without the approval of Viet Nam. (Morris, 1999: 225-226)

7.1.2. Viet Nam's objection to local integration of the Montagnard refugees

The question that must naturally follow this conclusion is: *"Why would Viet Nam object to Montagnards settling in Cambodia?"*

Firstly, international refugees are a symptom of severe internal problems in a country – be it war, famine or human rights violations. In the words of the representative from Human Rights Watch the refugees are: *"…the visible indication of Vietnam's problems"* (SC, HRW: 13.12.2006). Fleeing ones country, ones family, ones livelihood – all that is known – is a dramatic decision that is not taken lightly. By fleeing an individual risks what little human

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[20] For further information on the operations and mandate of UNTAC please see:
http://www.un.org/Depts/dpko/dpko/co_mission/untacmandate.html

security s/he has left in the hope of securing a safer future. When nationals of a country make that decision it reflects the internal conditions of a country in a very negative manner. In the act of opening the country to international society, Viet Nam is currently going through a transitional phase. For instance, it was only in November 2006 that the American President Bush visited Viet Nam and signed a pact backing Viet Nam's entry into the World Trade Organization (Economist, 2006). Visible indications that Viet Nam does not oblige to international standards of human rights is probably not helping this process of integrating Viet Nam into the global community.

Secondly, Viet Nam may fear the formation of Montagnard advocacy groups in Cambodia. This scenario was seen in Thailand, where Burmese refugees formed advocacy groups. This point is argued by the representative for human rights watch (SC, HRW: 13.12.2006).

Moreover, the reasoning that Cambodia refuses local integration of Montagnard refugees due to its relations with Viet Nam does not mean that Cambodia does not also object to the notion of local integration on account of its own concern. It has been argued that a large influx of refugees with links to a specific national minority can threaten domestic stability in a national state (Loescher in Chimni, 2003: 34). Such a scenario would not be entirely unlikely in this particular case.

The Montagnards share traits in terms of livelihood and general living conditions with the hill tribe people that populate the two North-Eastern provinces of Cambodia, Mondulkiri and Rattanakiri. As in Viet Nam, the hill tribe people of Cambodia have come in into conflict with the national regime over scarce resources. In Cambodia this conflict has mainly been related to logging. The hill tribe peoples of these two countries therefore share common concerns and could potentially form an alliance advocating the rights of the indigenous people of the Highlands (stretching over both countries in geographical terms). Such an advocacy group could cause great trouble for the regime in Phnom Penh if in nothing else than in critical press coverage for a country that is highly donor dependent.

If this line of reasoning is taken further it would be imagined that a such advocacy groups would take to arms and thereby become a security threat to the regime in Phnom Penh. The refugee protection regime leaves room for such considerations, and there are exceptions to the rule of *non-refoulement*: A refugee may be rejected from the first country of asylum under the provisions of Article 33(2) of the 1951 Convention on Refugees: *"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 the community of that country". If the Montagnards were to join forces with the hill tribe people of Cambodia and perhaps even resort to violent measures they could in theory constitute a danger to the majority communities of Cambodia. However, this is a far-reaching argument, and the scenario is unlikely at best.

A fourth possible reason as to why Cambodia does not offer local integration was put forward by the representative for the U.S. Embassy in Phnom Penh. He argued that: *"Cambodia is a poor country; it does not need any more problems".* There is a lot of truth in that statement, Cambodia is one of the Asia's poorest countries. In the 2006 UNDP Human Development Report Cambodia ranked 129 on the Human Development index (out of 177 countries surveyed), 25 percent of the children under 5 years of age are underweight, 59 percent of the population does not have sustainable access to clean water and 34,1 percent of the population is living on less than 1$ a day. (UNDP, 2006) It could therefore be that Cambodia hardly has the resources to care for yet another vulnerable group.

That being said, Cambodia has offered asylum to other groups of refugees, notably from countries such as Afghanistan, Iraq and Somalia (SC, HRW: 13.12.06). Also, the number of Montagnards (approximately 2200 in the period examined) is so relatively low that it must be deemed unlikely to have a large impact on the general socio-economic development of the country.

As it can be seen in the above, there are a number of possible reasons as to why the government of Cambodia will not allow the Montagnards to settle on their territory. It could seem that regional political concerns have taken precedence over refugee protection obligations and the consideration for the refugees' human security.

7.2. Repatriation

As mentioned earlier in this report, repatriation is by far the most frequently used of the three sustainable solutions (at a global level) because it is less disruptive than the other solutions, it

is more cost-efficient and the Western world is displaying a growing reluctance to accept refugees. In this chapter I will explore the different types of repatriation this case has involved, the consequences these repatriations may have led to and the intents behind them. According to UNHCR's count, 291 Montagnards were returned to Viet Nam between 2000 and 2005 and an additional 94 were deported (all of those in 2005).

This chapter concerning repatriation consists of three parts: the first part explores different types of repatriation observed in this case study, the second part examines the possible and likely consequences (effects) on the human security of the Montagnard refugees and asylum seekers who were returned to Viet Nam and third section looks at the intentions behind decisions to repatriate.

7.2.1. Types of repatriation

First, I will examine the different types of repatriation employed in this case and the likely consequences thereof.

This case has revealed an array of different types of repatriation ranging from incidents of blatant forced deportation to cases of informed voluntary repatriation. If compared to Chimni's continuum of repatriation (see chapter 5.1.3), repatriation has taken place under varying circumstances and some of these scenarios must be assumed to be safer and more sustainable than others.

Although voluntary repatriation is officially considered one of UNHCR's sustainable solutions to a refugee crisis, the representative for the field office in Phnom Penh stated that *"If a refugee returns to their country of origin it could indicate that they may not have been refugees at all to begin with"* (RA, UNHCR: 1.6.2006).

This statement is later cooperated by another statement from the same officer: *"Individuals who are recognized as refugees have serious problems in their homeland, and they have no desire to go back"* (RA, UNHCR: 1.6.2006). This last remark could indicate that the officer recognizes that the persecution of Montagnards is still actual (and he *does* verify this later in the interview), and the remark also indicates that monitoring may not be enough to provide a sufficient level of security. If a refugee had in fact been subject to persecution, the promise of sporadic monitoring may not be enough to convince them to return home; instead they may

seek to be resettled in a third country. Following this line of thought means that voluntary repatriation almost has character of facilitated return of a migrant instead of repatriation of a refugee.

However, the interviews with Human Rights Watch and Jesuit Refugee Service could indicate that there are more factors than fear of persecution at play here. According to the representative for Jesuit Refugee Service (who had close contact with the refuges), psycho-social factors were also at play: *"Many refugees were young men that left their families behind. They missed them and wanted to return to them"*. In other words, they were home sick, and although they were safe on a physical level, they were not well.

It would almost seem that when a refugee starts to consider repatriation, s/he is forced to weigh the two main aspects of the human security paradigm: that of physical safety and negative freedom versus psycho-social well-being and community relations.

In the time period before the Memorandum of Understanding was signed in 2005, there were incidents of voluntary repatriation. According to UNHCR's internal numbers, this scheme included 209 individuals. The repatriation scheme prior to the Memorandum was voluntary; however, there was no monitoring of the plight of the returnees and that was viewed as highly problematic by human rights organizations. (SC, HRW: 13.12.2006)

There have also been several examples of forced repatriation and in severe cases even trading with refugees. According to the respondent from Human Rights Watch, there were hundreds of Montagnards forcibly returned to Viet Nam from the border areas of Cambodia in 2001. This happened before they were able to present their asylum claim to UNHCR. (SC, HRW: 13.12.2006)

There have even been accusations of rather extreme cases of forced repatriation approved by the Cambodian government: *"The government approved bounty hunters, who bring along their karaoke girls for the week's fun. They hunt the fleeing Montagnards and sell them back to the Vietnamese for $20 to $100, depending upon the importance of the individual captured" (The, 2007: 1).* The accounts in the article are supported by the spokesperson for the Montagnard Foundation who has interviewed Montagnards that were arrested by Cambodian police or army officials. The representative reports that the refugees were handed back to them by Vietnamese authorities by Cambodian officials, and that the refugees

witnessed U.S. dollars change hands. These individuals were later tortured and imprisoned in Viet Nam. (SJ, HRW: 13.12.2006 and SJ, MFI: 1.3.2007)

If these accusations are correct, they show a troubling disregard, not only for the obligations under the Refugee convention, but also for all basic human rights and human security. According to the Chimni Continuum, incidents like these could be categorized as "forced return to conflict zone".

The returns that followed the 2005 Memorandum of Understanding falls under what Chimni has categorized as *"return under political settlement, but no end of conflict"* and *"return to areas where government caused displacement"*. Viet Nam, Cambodia and UNHCR reached a political agreement, but the fundamental conditions that had led to flight had not changed and the refugees were sent back to the area of conflict. As stated by the Chief of IOM: *"The part that received the most criticism from the human rights lobby was probably the part that describes what happens if they do not receive refugee status, and that was repatriation. And that was not voluntary repatriation."*

In other words, the Memorandum of Understanding from 2005 allows for the forcible return of asylum seekers to the area from which they have fled. From a legal perspective, this is not necessarily problematic; if the refugee status determination has been inclusive and it had been concluded that these individuals were in fact not refugees fleeing persecution, then the issue becomes one of immigration, and Cambodia has the right as a sovereign state to expel illegal and unwanted immigrants from its territory. However, from the perspective of the human security paradigm it looks slightly different. Even if these rejected asylum seekers have not been subject to the forms of persecution that are listed in the 1951 Convention on refugees, their human security may still be in jeopardy e.g. due to the land conflicts in the area and discrimination of minority groups.

7.2.2. Consequences of repatriation

In order to determine what the consequences of repatriation were, it is helpful to use the framework of Webb and Harinarayan to determine the community's vulnerability relative to its coping abilities.

Roughly said, it could be presumed that the flight to Cambodia and the return to the Highlands of some members of the Montagnard community might not change a whole lot on community level.

The refugees who were repatriated received a basic reintegration package from UNHCR containing rice, food, clothes and some non-food items. (RA, UNHCR: 1.6.2006). The package will improve the returnee's minimum levels of survival in the initial period after return, but it will not help them to maintain a sustainable livelihood, and it is hardly enough to change the living situation for the whole community. The representative for UNHCR also mentioned that UNHCR had started to offer micro-loans to the returnees (RA, UNHCR: 1.6.2006), which is a scheme that could potentially lead to sustainable sources of income if the returnees manage to apply the loan in an effective manner. The Montagnards remain a marginalized minority, and they are still one of the poorest groups in Viet Nam, with the lowest human development indicators in the nation. Many of the returnees have been treated for tuberculosis, but the Highlands still have one of the highest prevalence of tuberculosis in the world (VK, IOM: 31.11.2006), and the treatment of a few returnees is not likely to significantly change the health situation of the community as a whole. Conflicts over access to land remain a major issue in the area.

The coping mechanisms of the Montagnard community as a whole do not seem to have changed, and hazards have remained and perhaps even escalated for the returnees. In its 2002 account of the situation of the Montagnards in the Highlands, Human Rights Watch reported on a group of 19 Jarai men who were returned from Cambodia to Viet Nam in March 2001. After their return to Viet Nam, these men were arrested, imprisoned for days, beaten severely, tortured and forced to make public statements denouncing religious and political standpoints. (HRW, 2002: 166-168) This report does not stand alone. The representative for Jesuit Refugee Service explained in her interview that she had interviewed a *"double-backer"[21]*: *"..any doubts that I might have had about whether resettlement was the best option disappeared after I had interviewed one of the double-backers….. The treatment he received upon return was terrible (he had been tortured in prison)"* (AP, JRS: 11.12.2006). These accounts of persecution of returnees will seem to indicate that the hazards faced by the returnees were not lessened, and perhaps even intensified. One of the coping mechanisms for

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[21] These were refugees who had fled to Cambodia in 2004, but had decided to return voluntarily to Viet Nam because they missed their families. Upon return to Viet Nam they had been subject to persecution and as a result had yet again fled to Cambodia.

such hazards listed in the framework of Webb and Harinarayan is *"public action"* – meaning the behaviour of non-local agents before, during and after crisis in either supporting or ignoring local needs. Prevention – or just recognition – of the mistreatment of the returnees would have increased the coping mechanisms of the community and would thereby have decreased its vulnerability. However, the incidents of persecution and torture were only recognised by human rights groups and Montagnard advocacy groups. UNHCR, the main international organization in this context, insisted that: *"None of the reports have been very credible. It is very likely that returnees are being monitored, but nothing that amounts to persecution. The Vietnamese government is working to help integrate the returnees and to minimize the social disruption caused by their flight. They are doing their part"*. (RA, UNHCR: 1.6.2007) In short, UNHCR does not agree with the human rights organizations who claim that returnees may be facing severe hazards.

All in all, it must be concluded that the Montagnards who have returned to the Highlands remain vulnerable as does the entire community.

7.2.3. Motivations for repatriation

This section aims to clarify the motivation(s) for repatriation of some of the Montagnard refugees, and thereby test the thesis's hypothesis that human security was at the core of this decision.

The 2005 Memorandum of Understanding holds a clause stating that returnees will not be persecuted: *"In conformity with its humanitarian policy, the Vietnamese Government reiterated the refugees will not be punished, discriminated and/or prosecuted for their illegal departure"*. (MoU, 2005: 1)

This clause of the memorandum should secure the negative freedoms of the returnees – and thereby secure a significant element of the human security for those who returned to the Highlands. However, it only states that they cannot be prosecuted for the *"illegal departure"*; it does not exclude other forms of persecution e.g. affiliation with illegal religious or political organizations.

The main instrument used to ensure the physical aspects of the returnees' human security is the monitoring of their living conditions in the Highlands. After 2005, the Memorandum of

Understanding provided the framework for the monitoring of the refugees who were resettled in the Highlands. It states: *"…at the request of UNHCR and at an appropriate time, the Vietnamese government and UNHCR will consult and cooperate on visits to the returnees"* (MoU, 2005: 1)

This rather brief wording is the tripartite agreement constitutes the technical framework for the monitoring of the human security of the refugees who have been resettled to the Highlands. It states that the monitoring of the welfare of the returnees is a joined venture between the Vietnamese government and the UNHCR, which could be considered a little unconventional. For monitoring to be credible to all stakeholders, it is usually entrusted to someone impartial (typically international monitors) and without prior consultation with the state as to the specifics of the monitoring. If UNHCR is not in a position to monitor freely, then how can they ensure that the returnees are in fact secure and enjoying basic rights?

Between March 2005 and June 2006, UNHCR made 12 monitoring visits to the Highlands. Diplomatic missions from the US and the European Union have also made monitoring visits. (HRW, 2006: 38) However, according to an international briefing paper from the EU Embassies in Phnom Penh, Vietnamese officials accompanied the UN monitors (EU Emb., 2006: 8), which must be considered highly problematic. The presence of governmental officials (representatives from the government from which the refugees fled) could have (and probably did have) an intimidating effect on the returnees. If they did in fact have incriminating reports on their treatment upon return to the Highlands, it is likely that they would not report it the presence of government representatives. It is also noteworthy that the UNHCR representative from Hanoi in charge of the monitoring was a Vietnamese national named Vu Anh Son (Brennan, 2005: 7) – as mentioned a little earlier, monitoring would normally call for an international monitor.

Monitoring in a climate of fear is not free and reliable monitoring, and it is interesting to note that three returnees who chose to flee back to Cambodia had all been visited by UNHCR in the Highlands. The three individuals told Human Rights Watch, that they had been warned by Vietnamese officials, prior to the UNHCR visits, not to say anything negative. In addition, they explained that Vietnamese police and government representatives had been present during the interviews, that they had trouble understanding the questions asked by the UNHCR

officers and that they were not sure that their answers were fully translated. (HRW, 2006: 5). One of the repatriated refugees, who fled back to Cambodia, was quoted by Human Rights Watch as saying: *"The UN asked about any mistreatment but I was afraid to answer. I told them I had not been hit or threatened. I didn't dare tell them I'd been sent to prison; if I told, they would have beaten me"*. (HMR, 2006: 6)

Assuming that the accounts from Human Rights Watch are in fact correct (and it seems likely that they are), the returnees have *not* enjoy a minimum level of human security after repatriation to Viet Nam; their physical security has been violated, and their livelihood has been jeopardized.

These accounts falsify the hypothesis of this study. But if human security was not the intent behind repatriation, what motivated then the UNHCR, Viet Nam and Cambodia to promote repatriation as a solution to the Montagnard refugee situation?

According to the representative from UNHCR, all Montagnard asylum seekers who arrived in Cambodia in the aftermath of the 2001 protest were recognized as refugees on *prima facia* basis. From the middle of 2002 until 2003, UNHCR started to determine refugee status on individual basis, but all applicants were still granted their refugee status on the grounds of *"non-returnability"*. (RA, UNHCR, 1.6.2006).

As phrased by the Chief of IOM Phnom Penh: *"There was no insurance that they would not be harmed if they were sent back. They had to assume the worst, which was probably what the refugees were telling them, and that was that they were persecuted because they were Christians"*. (VK, IOM, 31.11.2006).

Because there was no way of verifying the asylum seekers' claim, and no policies were in place to ensure them a safe return, all refugees were given the benefit of the doubt.

While *non-returnability* was the official policy of the international agencies, Human Rights Watch (2002) reported a different standpoint from the side of the Cambodian authorities. Reportedly, the Commander of the Royal Gendarmerie of Cambodia conducted a meeting in March 2001 with the commander of the local police of the border province of Mondulkiri. In this meeting he advised the local police to immediately deport any Montagnards identified on Cambodian soil; there was no need to consult with the central authorities of Cambodia or Viet Nam first. (HRW, 2002: 166) Such a directive is in violation of the rule of *non-refoulement* as outlined in the 1951 Convention to which Cambodia is a signatory. Hence, it would seem that

the Cambodian authorities deliberately chose to overlook the international obligation of refugee protection – but why? The intentions behind the forced deportations are likely to be very similar to the reasons that Cambodia has been unwilling (or unable) to provide permanent asylum space to the Montagnards – they are afraid of Viet Nam, they are dependent on Viet Nam and the leadership of Cambodia has very close links to the leadership of Viet Nam.

By mid-2004 the headquarters of UNHCR in Geneva decided to re-think the principle of *"non-returnability"* chiefly for two reasons: firstly, the principle was not, and still is not, applied on a global scale, and secondly because UNHCR had recognized all Montagnard asylum seekers as refugees simply because the U.S. would accept them all for resettlement. (RA, UNHCR: 1.6.2006) The motivation for seeking other methods was the fact that the procedures did not align with UNHCR global procedures and there was an aspiration to break with U.S. interests – the UNHCR officer's wording was: *"UNHCR does not want to be a travel agency for the United States"*. (RA, UNHCR: 1.6.2006) The human security of the refugees does not seem to have been a major factor in the change of procedures.

There seems to be a general consent among the stakeholders that repatriation was the most desirable solution to the Montagnard situation *if* it could be conducted in a safe and dignified manner. One way of ensuring that repatriation is in fact safe and dignified (and thereby also likely to be sustainable) is to ensure regular and impartial monitoring of the wellbeing of the repatriated refugees. But as outlined above, there were a number of flaws in the technical framework for monitoring and in the execution of monitoring. As a result, not everyone was supportive of UNHCR's decision to enter into the Memorandum of Understanding, and in particular they were not supportive of the monitoring and non-persecution clauses in the agreement. The representative for the Montagnard Foundation Inc. in particular thought that the confidence in the Vietnamese government was problematic: *"You are trusting the Vietnamese government's word about it, and the Vietnamese government has been very vindictive – I think they are an untrustworthy government for a number of reasons. They just blatantly will deceive diplomats and so forth…. The Vietnamese government will go to any length to mislead"*.

Although softer in their choice of wording, the respondents from both the Human Rights Watch and the Jesuit Refugee Service seem to agree with the Montagnard Foundation Inc. in its criticism of the Memorandum of Understanding and its relative weak clauses in relation to monitoring and safety of the returnees. If the intention behind repatriation of the refugees was to ensure their human security and guarantee their safety, their livelihood and their mental well-being should have a high priority for the responsible stakeholders, namely UNHCR, the government of Cambodia and the Government of Viet Nam. However, as described above, there seems to have been flaws in the monitoring process – and more importantly, these were flaws that could have been prevented. UNHCR could have chosen to use an international monitor and Viet Nam could have allowed for free and independent monitoring without the presence of police officers before and during the monitoring visits. Cambodia, on their end, had a responsibility to ensure that refugees send back from their territory were in fact not persecuted.

There was an incident in July 2004, which indicated Viet Nam's intentions for promoting repatriation as a sustainable solution to the situation. Thirteen recognized Montagnards refugees approached the UNHCR office in Phnom Penh requesting repatriation. UNHCR personnel advised them that their safety could not be guaranteed after repatriation, but the group insisted, and UNHCR started negotiation with Viet Nam to arrange for their return. Viet Nam stated that they would only accept the 13 individuals for repatriation if the remaining 77 Montagnards currently at UNHCR sites in Phnom Penh were resettled to third countries. With the negotiations at a halt, the 13 individuals chose to return to Viet Nam spontaneously (EU Emb.: 2006: 4).

The incident indicated that Viet Nam viewed repatriation as a mean to close the UNHCR sites in Phnom Penh, and thereby end the international community's involvement with the Montagnards. According to Newman (2003: 3), refugee flows are a feature of and a consequence of conflicts within societies. The Montagnard refugees under UNHCR protection in Phnom Penh were an indication to the international community that Viet Nam has serious domestic disturbances. Repatriation was a way to make that indication vanish. Another, perhaps complementary reason, according to the representative for Montagnard Foundation Inc., is that Viet Nam may want the Montagnards to repatriate, so they do not get the opportunity to go overseas and organize. (SJ, MFI: 1.3.2007).

On a global level, it has been speculated (for one by Ms. Margo Picken, currently the country representative for United Nations High Commissioner for Human Rights in Cambodia) that the growing resistance in the western world to accept refugees, has influenced the way governments and international organizations assess the security situation in countries of origin. If an area of origin can be classified as suitable for repatriation, it means that the refugees from that particular area can be sent home, which in turn will lessen the pressure on resettlement schemes. With that as an incentive, security risks of repatriation may be downplayed. (Smith, 2001: 99) This link between the immigration policies of the west and repatriation schemes is probably not as strong in this particular case, because the United States has proved willing to accept basically all Montagnard refugees for resettlement. However, a general tendency to downplay security risks in areas of origin could affect the way the situation in the Highlands has been assessed – if the bar is being lowered on a global level, it is likely that it was also lowered for Viet Nam.

7.3. Resettlement

Like the previous chapter concerning repatriation, this chapter on resettlement is separated into parts. The first part looks at the possible and likely consequences on the human security of the resettled Montagnard refugees. The second part explores why some of the Montagnards have been resettled to third countries.

7.3.1. Consequences of resettlement

The main question in this chapter relates to the intention behind the decision to resettle a large segment of the Montagnard refugee group. However, to test the hypothesis – that this decision is based on an attempt to ensure a high level of human security – it is necessary to see what the consequences of this decision have been.

Taken as a whole, the groups of repatriated refugees should experience a fairly high level of human security in most aspects. The minimum level of survival (water, food and shelter) will

be provided for by the agencies responsible for the resettlement process in the country of final destination.

In the United States (where most of the Montagnards were resettled in the Southern state North Carolina) ensuring minimum levels of survival is mainly the duty of the Lutheran Refugee Service. This faith-based organization helps the refugees in the initial steps of integration and makes sure their basic needs are provided for. However, for human security to be ensured there has to be long-term fulfilment (or as it was phrased by former High Commissioner for UNHCR Ms. Sadako Ogata a *"horizon of security"*). The help offered to the refugees from the Lutheran Refugee Service is temporary in nature; however, there seems to be good potential for a long-term human security.

Firstly, the resettled Montagnards no longer face critical and pervasive threats to the vital core of their lives, as they are no longer exposed to government persecution. Secondly, according to both the representative for Human Rights Watch and the spokesperson for the Montagnard Foundation Inc., most Montagnards who are resettled to the United States do relatively well in material terms – also in the long term. There is no welfare system to support them in North Carolina, so they are forced to find work quickly to support themselves and their families (and appropriate entry level positions seem to be available). Others rely on family and friends to support them until they have settled properly.

The human security paradigm recommends that the material aspects of human security should be estimated within the context of the subject(s). As such, the minimum level of survival is different from the Highlands compared to Raleigh, North Carolina – a hut may be sufficient shelter in the Highlands, whereas it may be a bit inappropriate for the United States. Because of language difficulties, many Montagnards do not get promoted to higher-paying positions. Even though most try to learn English, their many responsibilities at home and work, and their lack of formal education makes formal language study very difficult. (Bailey, 2002) Taking the context into consideration, it still seems that the resettled refugees have sufficient living conditions in the United States, as they are earning local wages and have access to the same free schooling as the rest of the American population.

Using the framework of Patrick Webb and Anuradha Harinarayan, it seems that the vulnerability of the resettled Montagnard refugees is lower after resettlement. The degree of hazard in the Highlands, which arose mainly from governmental persecution on grounds of religion, politics and/or basic livelihood issues (such as lack of land to farm) has been

eliminated by resettlement. Other hazards – or challenges – have arisen from the resettlement scheme; after resettlement the refugees have to learn how to support themselves in a modern Western society. However, the refugees that have been resettled to the United States between 2000 and 2005 have had the support of the faith-based organizations and of the refugees who have arrived before them. That being said, the resettled refugees still face significant challenges. This particular refugee group comes from an extremely remote and underdeveloped part of the world, and for them resettlement to a Western country means starting all over. They have to master tasks that are considered basic in the Western world. Before the resettlement journey starts, they are briefed by IOM on things like how to use a flush toilet and fasten a seat belt, but there is still a long way to go. For instance, these refugees must learn how to shop in a super market, cook on an electric stove, take a bus, etc. According to the Center for New North Carolinians at the University of North Carolina at Greensboro (UNCG), problems related to driving are chronic (issues with drinking and driving and general ignorance of U.S. law). Additionally, landlords and neighbors have complained that the Montagnards do not maintain their houses and yards in accordance with U.S. customs (e.g. meat may be left to dry outside). (Bailey, 2002)

The list is very long, and there is little doubt that the Montagnards who have been resettled in the United States face unbelievable challenges. However, in order to remain within the contextual framework of human security, it is important to maintain that these are *challenges*, they are not *hazards*. For many years to come the resettled refugees (and perhaps the elder generations more so than the younger) will have a lot of uncertainty in their lives, but they are unlikely to face critical threats to their life core to the same degree as before they fled the Highlands.

Therefore, it could be assumed that the vulnerability has lessened as the hazards have become smaller (although significantly different in character), and there seems to be reasonable coping mechanisms within the broader Montagnard society in the United States. The prospects for the minority of the Montagnards, who were resettled outside the United States are slightly different; the conclusion however is similar. Those resettled to Sweden, Canada and Finland (2004-2005) will also have their minimum levels of survival secured. However, the assistance they will receive in integration is likely to come from the state, not from faith-based organizations.

The prediction of the psycho-social aspect of the level of human security that resettled refugees likely face in the United States is trickier. As outlined in the theoretical part of this thesis, the psycho-social aspect of human security can be broken down into four parts: *Identity*, *Recognition*, *Participation* and *Autonomy*. The question now is how is resettlement to the United States likely to affect the psycho-social aspect of the refugees' human security? One's initial response is that such a fundamental change in environment would affect an individual's or a community's psycho-social human security in a negative manner and such a rapid conclusion is probably quite plausible. It can, however, be challenged in certain aspects.

The aspect of *identity* could be challenged by resettlement because resettlement is such a fundamental uprooting; ones life will have to continue and develop very far from where one's identity was initially formed (both in geographical terms and in cultural terms). For many – and certainly for the younger refugees – resettlement will mean the addition of a whole new aspect to their identities. They might have been outsiders in Viet Nam – but they are likely to be even more so in the United States. Although the United States is a multi-cultural society, their indigenous background and heritage will set them apart, and the notion of being *"different"* will most likely become a part of how they view themselves, as it will be a part of how others view them. However, according to Learing and Arie, there is more to identity than self-recognition. Identity also includes the ability of an individual to lay adequate claim to history as well as social and geographical origin. It must be possible for these facts to be established without fear of challenges from an external group. At least in theory, resettlement could help to strengthen these aspects of identity. In the Highlands if a Montagnard lays claim to his/her social, cultural and historical heritage, the authorities could interpret that as a commitment to the Dega independence movement, and this interpretation could thereby become a threat to a Montagnard's physical security and livelihood. This threat has been eliminated by resettlement.

Another important aspect – although not explicitly included in Learing and Arie's framework is that of religion. Most (if not all) of the resettled Montagnard refugees are Protestants, and religious persecution was the primary reason for flight. In the Highlands Montagnards were not allowed to practice in gatherings, and many have been forced to publicly denounce their religion – something that could be argued to be an essential part of their identity. Upon

resettlement this will no longer be an issue. The countries that have received Montagnards for resettlement (the United States, Canada, Sweden and Finland) are predominately Christian, and those resettled to the United States are under the care of Christian founded organizations in the initial stages of integration. The resettled Montagnards will be free to worship and publicly declare their faith. Their faith was to a large degree what set them aside from main-stream Vietnamese culture, and many were persecuted for just that. After resettlement, their religious beliefs will make them a part of the mainstream culture and bring them positive recognition from their surroundings. According to the operationalization of the human security framework, this recognition will bring dignity and it must therefore be assumed to have a potential beneficial effect on their identity as individuals and as a community. Recognition of other parts of the Montagnard identity such as their traditional family values and low levels of formal education may prove more difficult.

One very particular feature of Montagnard culture is that identity is traced through the wife, and it is the woman's family that arranges the wedding. Traditionally, women are at the head of the family – it is a matriarchal society. That poses significant challenges for the resettled Montagnards as an overwhelming majority of them are men. Many of these men have left wives and children behind in their haste to escape and with the expectation that they would later return to their villages. (Bailey, 2002: Chap. 10) As a result there is a shortage of women in the Montagnard communities abroad. Therefore, it follows that many young Montagnard men will have to seek their future spouse in other cultural groups, but experience from the United States has shown that few have been able and/or willing to take that step. (Bailey, 2002: Chap. 10) Unless more Montagnard women join the Montagnard communities abroad, these circumstances will cause changes to the traditional family structures – especially as the older generations die out. Changes to such a distinctive feature of a community are likely to fundamentally change its community identity as well.

Preservation of the Montagnard culture is likely to prove easier for the groups that resettled to the United States than the groups that resettled to Sweden, Finland and Canada. Already in 2000 there were approximately 3,000 Montagnards in the Greensboro area of North Carolina (Bailey, 2002). Adding the 1532 Montagnards that joined this community in the time period

examined here[22] this should make for a community sizable enough to maintain traditions from the homeland that can reinforce the community's original identity.

Participation is another important aspect of the psycho-social part of human security. In this framework *participation* is defined as both the opportunity and the capacity to engage with others in economic, political and social networks. Again, resettlement could prove to be both an opportunity and a challenge. The positive liberties that are guaranteed (at least in theory) in the countries of resettlement provide an opportunity for the Montagnard to organize freely in political advocacy groups. The fruit of this has especially been seen in North Carolina where two of the most prominent Montagnard advocacy groups – Montagnard Foundation Inc. and The Montagnard Human Rights Organization – have their origin in the local Montagnard community[23].

However, this form of participation in the political sphere in the resettlement country is still somewhat limited to this particular immigration community. There are no formal obstacles to prevent the Montagnards from participating in broader political communities in the resettlement countries. However, their relatively low levels of formal education combined with limited language proficiency are likely to be a hindrance – at least within the foreseeable future. A similar scenario could be predicted for the resettled Montagnards' participation in social and economic networks outside their immigration group. In the first years after resettlement, language is an obstacle to participation in social networks, but yet again religious affiliation could work to the resettled refugee's advantage as it is likely that they will form their first social networks within a church setting. For the refugees who have been resettled to the United States, their initial contact with Americans is often through sponsors and service providers who are typically very welcoming to the newcomers and reflect middle-class standards and expectations. As the refugees settle into their new communities, they have more contact with working-class people in factories and neighborhoods (Bailey, 2002: chap. 10), as most of the Montagnards that have been resettled to the United States start out in so-called "entry-level" jobs. This means that the resettled refugees will enter the economic

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[22] In fact, North Carolina had become host to the largest Montagnard community outside of Vietnam. (Bailey, 2002)

[23] The Montagnard Human Rights Organization have an impressive list over advocacy activities and cultural celebrities by the Montagnard community in North Carolina, including advocacy for and relief help to the Montagnard refugees waiting in Cambodia. For further information please see www.mhro.org. (MHRO, 2006)

spheres of their new home countries as working class, but the important thing here is that they will enter and become an active part of the employment force.

There are no similar reports available on the refugees resettled to Canada, Sweden or Finland[24], but it could be speculated that the refugees who were resettled in Sweden and Finland might enter the work force later than those resettled to the United States and Canada due to the more inclusive welfare systems in the Nordic countries.

There could be a generational aspect to issues of participation for the resettled refugees. Those resettled as children and teenagers are likely to master the new language more quickly and socialization in school will provide them with good opportunities to acquire the necessary skills, so that later in life they can participate fully in the economic, social and political networks in their new home countries. The Chief of Mission from IOM phrased it as follows: *"… the first generation is wasted and the children of refugees are of then in transition"*. (VK, IOM: 31.11.2006)

Another aspect of the psycho-social dimension of human security is concerned with autonomy – having the ability to control one's own direction in life and the capability to resist confinement as a victim. The very nature of resettlement challenges the autonomy of an individual because life altering decisions are made for the individual. One example of this is the fact that refugees have no choice as to where they are resettled. (RA, UNHCR: 1.6.2006)

The last aspect of the psycho-social dimensions of human security is *relationship with time,* meaning an acceptance of the past and a positive grasp of the future. It could be imagined that coming to peace with one's past would be difficult when that past has entailed fleeing from one's homeland and being moved to the other end of the world by an international agency. The tragic incidents in the history of the Montagnard community could lead to victimization and low self-esteem – an unfortunate notion that could be reinforced by resettlement, as the refugees have so little control in the resettlement process. Adding to this unfortunate situation is, according to the former legal officer from Jesuit Refugee Service (AP, JRS: 11.12.2006), the fact that many of the refugees are concerned for those left behind – especially those left behind who were (or still are) in prison. Possibly this can be outweighed by the prospect of a

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[24] This could either be because the numbers of Montagnards resettled to these countries were lower; because they arrived later and data therefore has not been finalized or it could be a combination of the two.

safe and potentially prosperous future, but the outcome of this trade-off is likely to be very individual. The former legal officer from Jesuit Refugee Service (JRS) said it well when she stated: *"Resettlement is not the solution for the refugee problems in the world although in some cases that is the only option. Resettlement is what refugees want usually, but they do not understand that it will be very difficult. Perhaps economically they gain but in other areas it is very hard. They have to adapt a lot; get use to another culture; follow their rules; be far away from family and friends and the world they know."* (AP, JRS: 11.12.2006)

An important note – pointed out by the IOM Chief of Mission – is that part of the Montagnard struggle lies in the fact that they are a minority. They are a minority in Viet Nam, and resettlement cannot change that. In Sweden, in Canada, in Finland and in North Carolina, they will still be a minority, and they will continue to define themselves as different from the majority they are living among be it for better or for worse.

Overall, it will seem likely that resettlement does indeed provide freedom from want, and freedom from fear, but it is important to maintain that the Montagnards who have been resettled do indeed face significant challenges especially in the psycho-social sphere.

7.3.2. Motivations for resettlement

In the time period examined in this study, 1663 Montagnard refugees were resettled permanently in third countries: 57 travelled to Canada, 67 travelled to Finland, 7 travelled to Sweden and 1532 travelled to the United States. Now the question is what the motivation was for resettling these 1663 individuals permanently in foreign Western countries far away from their homelands?

Until the first Memorandum of Understanding in 2002, all Montagnard refugees were offered (and accepted) resettlement in the United States. According to UNHCR this was done because UNHCR could not guarantee them a safe return (RA, UNHCR: 1.6.2006). Assuming that this was in fact the root of the decision, it would indicate that values aligning with those of the human security paradigm were determining in the decision – the issue of safety speaks to the physical aspects of human security i.e. protection from life threats.

The vast majority (92%) of the refugees in the time period examined were resettled in the United States. Among the stakeholders interviewed for this thesis, there was a general agreement regarding the reason for the United States' generosity in this matter. All answers pointed to two main reasons: politics and history.

Politically, Viet Nam and the United States belonged to the two different blocks during the cold war – which erupted in a decade of violence during the Vietnam War (in Viet Nam known as *"The American War"*). The historical reasons for the United States' heavy involvement in the Montagnard cause is closely interlinked with the political reasons – again the origins can be traced back to the Vietnam War. As mentioned earlier, many Montagnard (united under the para-militant organization known as FULRO) worked for and with the U.S. Special Forces during the Viet Nam War.

The United States has offered resettlement to a considerable amount of Vietnamese refugees since the Vietnam War – an anti-communist state offering protection to anti-communist refugees from the Socialistic State of Viet Nam. It could be argued that the issue of protection offered to refugees during the Vietnam War was grounded in broader ideological differences rather than sheer considerations of protection of the vulnerable. (Newman, 2003: 12) The U.S. and Viet Nam did not resume diplomatic relations until 1995. According to the representative for the American Embassy in Phnom Penh, this has played a decisive role in American involvement in the case: *"Many of the Montagnards are Christians living in a country that is Communist – if nothing else at least Communist in name. This has created a lot of sympathy for their situation within the right-wing groups, Christian groups and human rights groups. Religion has definitely played a role in the interest for the Montagnard situation."*

While Viet Nam and the United States clearly continue to have ideological differences, the relationship between the two states has softened, and active cooperation between the two nations is taking place.

Despite the improved relations between the two nations, the U.S. was still – in the period examined – the nation that offered third country resettlement to the largest group of Montagnard refugees. It seems reasonable to assume that if the U.S. had not offered resettlement to such a relatively large group of the Montagnard asylum seekers, a much lower percentage of the refugees would have been resettled in third countries.

A particularly interesting incident of resettlement occurred in July 2005. The Royal Government of Cambodia decided to deport 94 Montagnards who had had their refugee claims rejected by UNHCR. This was heavily criticized by human rights organizations, who claimed that the safety of the returnees could not be assured. The U.S. Embassy in Phnom Penh got involved in the case by announcing that all 94 Montagnards would be offered resettlement regardless of their Refugee Status Determination, and 34 individuals from this group ended up being resettled in the United States. According to the representative for the American Embassy in Phnom Penh, the United States accepted the Montagnards who had their refugee claims rejected due to the so-called *"Lautenberg Amendment"*. Based on historic conditions, the Lautenberg amendment authorizes refugee admission for Jews and certain Christian groups to the United States on leaner criteria than the UNHCR Refugee Status Determination (RSD). Originally, the amendment only applied to refugees from the former Soviet Union, but was later expanded to also include refugees from Indo-China[25]. (Churgin, 1996: 317) So in fact, these Montagnards were offered resettlement to a third country not because they fit the criteria for international refugees in need of international protection, but because the political leadership of America had decided that certain religious communities of (former) communist nations should enjoy particularly lenient entry criteria. This does not mean that the human security of these particular groups was not threatened, and that certain parts of their future lives (such as the right to practise their religion) were not accommodated better upon resettlement, but it is peculiar to see that they were subject to special protection because they were Christians fleeing from a communist regime.

An aspect worth examining on the topic of resettlement to the United States is the internal processes and interests of the United States that are likely to have some influence on the administrations choice to accept such a relatively large quantity for resettlement. There are a number of groups that have an interest in offering Montagnards resettlement in a safe country, but for slightly various reasons.

The Chief of IOM's mission in Cambodia suggested that lobby groups in the United States could have affected the country's willingness to accept Montagnards for resettlement: *"I think*

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[25] The amendment was passed as a rider to the foreign operations appropriation legislation in Congress in 1989. Initially, it only applied to refugees being processed in the former Soviet Union. In 1990, it was expanded to also include refugees processed in Indo-China. It does not apply to refugee from those regions being processed inside the U.S. (Churgin, 1996: 317)

there is a strong lobby in the U.S. – ex-military, who know the history of the Montagnards, know that they gave their lives - they continued to fight a long time after the U.S. left. The first group that came over here in 1992, they were still military, they had arms and a colonel in charge. It was almost laughable, if it was not so sad."

His statement was reinforced by the representative for the American Embassy in Phnom Penh who in relation to the topic of domestic interests said: *"Many of the people working in the lobbying organizations have connections in the government though formal and especially informal networks. Many also have connections to Congress – they can put things on the agenda".*

One factor that could be worth considering in the context of resettlement is that resettlement is a business for some of the actors involved – an example of this being the faith-based organizations that take care of the initial integration process when the Montagnards arrive in the United States: *"….they are paid money by the U.S. government to assist… they are all bidding for this business. It is an industry… It is not some little Mickey Mouse church in some small town, it is a big industry".* (VK, IOM: 31.11.2006).

This could mean that the faith based organizations have monetary and institutional motivations for maintaining a refugee flow into the United States. The religious right in the United States is known as a powerful lobby group, and it is not entirely unlikely that the current administration would take religious organizations' preferences into consideration when deciding which refugees they will accept for resettlement in a given year. If one was to follow this line of thought, it probably doesn't hurt that the Montagnards are Christian refugees (seen in the current political climate of the United States). This cannot be verified however by the data available for this thesis, but the thought could be worth exploring on another occasion. At the very least, the institutional and monetary interests of Christian organizations possibly serve as a supporting factor for other groups (namely the Montagnard advocacy groups and the Vietnam veterans) who have lobbied for the Montagnards' resettlement to the United States.

Adding to the pressure of the Christian organizations would be the interest of the Viet Nam Veterans. All informants agreed that there is a sense of responsibility for the faith of the Montagnard in the United States – almost a sense of guilt. These tribal people fought alongside American Special Forces through a long and bloody war, but were left behind when

the American forces withdrew and have suffered repercussions ever since. It is probably not a coincidence that the majority of the Montagnards who have been resettled to the United States have been placed in Greensboro in North Carolina. Greensboro is one of the closet cities to Fayetteville where Fort Bragg is located – home of the Special Forces whose mission it was to train counter-insurgency forces in South-East Asia during the Vietnam War. (Britannica, 2007) It seems likely that many Vietnam Veterans still live in that area.

Both Christian organizations and the Vietnam Veterans hold a position of power and respect in the American society. The Religious Right especially has a powerful and resourceful lobby, and they have the ability to put certain things on the agenda – a statement supported by both the representative from IOM and the representative from the American Embassy in Phnom Penh. The Religious Rights road to influence corresponds to Anthony Giddens' interpretation of power, and the ability to change or maintain a course of events. (Giddens, 1995:28-29) Giddens has a structural approach to power where it is the capacity and the resources of actors that allow them to exercise control over processes of change. Because the Religious Right in the U.S. is well-funded and well-connected they can exercise certain forms of power, making the plight of the Montagnards an issue of political concern and thereby maintaining American commitment to the cause. Lobbying within the U.S is likely to be a primary reason as to why the U.S. has offered almost unlimited resettlement space for this particular small group. The effect is enhanced because no organized groups are likely to object to a very small group of refugees resettling in North Carolina.

There are, however, scenarios where a Montagnard refugee will not be welcome in the United States. According to the Chief of Mission of IOM, a Montagnard refugee can be excluded from the resettlement scheme to the United States if they test positive for HIV (known as an "*excludable medical condition*"). (VK, IOM: 31.11.2006) The fact that the offer of permanent protection and settlement can be denied on medical grounds is in conflict with the universal principals of human security, where security should be provided to an individual or community because there is a need - not because they are desirable migrants. Agencies involved can (in most cases) work around these rules and obtain a waiver for refugees so that a HIV-positive refugee can in fact be resettled to the U.S. That, however, does not change the fundamental message behind this rule. The rule manifests a line of thought that implies that

the public health of the receiving nation (in this case the containment of HIV/AIDS) is more important than offering a sustainable solution to as many refugees as possible.

Another scenario in which a Montagnard refugee can be excluded from resettlement in the United States stems from provisions within the *"Immigration and Nationality Act"* – the part of the American immigration law that makes any alien who has engaged in or supported terrorist activities or have given material support to terrorist organizations inadmissible to the United States. The U.S. Patriot Act - a consequence of 9/11 - broadened the scope of the provision so it now includes support provided to groups that are not formally on the list of foreign terrorist groups. This new legislation has been interpreted by the relevant federal agencies so that a refugee can be excluded from admission into the United States for giving any form of support to any group that has used arms in their cause and that has affected the Montagnards as FULRO – the para-militant group of Montagnards that fought with the U.S. Special Forces in Viet Nam has been labelled a terrorist group under this statute. (Refugee Council USA, 2006: 5) There is a sad paradox in this, as FULRO was a valued collaborator of the U.S. Special Forces during the Vietnam War, and its members have been persecuted ever since for this historical support in their home country. In 2001, asylum seekers who had been affiliated with FULRO were granted refugee status by UNHCR, but due to the war on terror, this can now work against them (SC, HRW: 13.12.2007). By the end of 2006, nine Montagnard refugees awaiting resettlement were denied admission to the United States due to their former affiliation with FULRO. (Refugee Council USA, 2006: 19).

Moving from the case of the United States to the cases of the other three countries where Montagnards have been resettled, it is more unclear why they chose to invite Montagnards for resettlement. Canada, Sweden and Finland do not appear to have the same type of internal processes pushing for providing resettlement space for the Montagnards as the United States. These countries have accepted relatively small groups for resettlement. It can be viewed as an act of to living up to what they see as their international obligations to protect – Canada has been one of the strongest national advocates for the human security agenda. The reason these countries have accepted Montagnards for resettlement (over other groups of refugees) could be that the Montagnards are perceived to be a "gentle" groups of refugees: *"In general, countries favour 'friendly' refugees such as the Montagnards; they have good resettlement*

prospects, they come in small numbers and it builds good will for the receiving country for sharing in the global community's obligation toward refugees" (RA, UNHCR: 1.6.2006)

At the centre of this remark is the reality that it is the privilege of future host countries to decide who they want to offer resettlement to on their territory – it is not the needs or wishes of the refugees that is at the core of the resettlement process. That leaves the refugees as objects; they have very little influence (if any) over where they will be sent for permanent settlement, and that is damaging for the psycho-social aspect of the refugees' human security, as this requires some sort of control over one's own faith and a positive grasp of the future.

8. Repatriation or resettlement – a choice for human security?

In the following I will sum up on the analysis of the solutions that were implemented as a response to the situation of the Montagnard Refugees in Cambodia and more importantly the motivations that were behind choosing these solutions and whether or not those motivations align with the human security paradigm.

Representatives for six key organizations in the management of the Montagnard refugee situation (namely United Nations High United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), Jesuit Refugee Service (JRS), Human Rights Watch (HRW), Montagnard Foundation Inc. and the Embassy of the United States in Phnom Penh, Cambodia) were asked the central question of this thesis:*" Why are some Montagnards refugees being resettled from Cambodia to third countries while others are being repatriated to the Highlands of Vietnam?"*. In their answers they all pointed to the same thing – the Refugee Status Determination (RSD).

The research conducted verifies that the process of determining whether or not an asylum seeker is indeed a refugee did (to a large degree) decide if that individual was repatriated or resettled. In principle, an asylum seeker who is recognized as a refugee will be given the choice between the sustainable solutions available in a given context, whereas an asylum seeker whose claim to refugee status is not recognized will be returned to his or her homeland. However, the study of the Montagnard case did reveal more aspects to the decision process, which were aspects that at times played the decisive role.

This study displayed indications that concerns for the human security of the Montagnard refugees did influence the pursuit for sustainable solutions to the Montagnard refugee situation. Both the protection officer from UNHCR Cambodia and the Chief of the IOM mission in Cambodia highlighted in their interviews that resettlement is the last option is nothing else is available. In other words, resettlement is an option if repatriation could not be conducted in a safe and dignified matter, and local integration was not an option either. In this, two of the main stakeholders insisted that solutions found had to be safe, dignified and

sustainable, and the ideal solution would be one that was the least disturbing to the traditional way of life for this particular group of refugees.

The exploration of *local integration* as a durable solution to the situation of the Montagnard situation clearly showed that while local integration would have been a solution to the situation in theory, local circumstances did not allow for implementation of local integration as Cambodia was unwilling to grant the Montagnards permanent asylum on their territory. This standpoint was not a general reflection on the Cambodian government's position on refugees. Cambodia was (and still is) a signatory to the 1951 Convention on refugees and the government did (and still does) allow groups of refugee from other countries to settle on their territory.

Rather, their absolute refusal to allow the Montagnards permanent settlement in Cambodia was a reflection of Cambodia's relationship with Viet Nam – a relationship that is characterized by dependency and trepidation on the Cambodia side.

While the refusal to offer local integration to the Montagnard refugees does not seem to be in direct violation with Cambodia's obligations as a signatory to the 1951 Refugee Convention, the government did condone activities that clearly had character of *refoulement*. It had been fairly well documented that Cambodian police and army officers on the local level have hounded Montagnard refugees and forced them back over the border to Viet Nam before they could present their asylum claim to UNHCR. Those acts were in clear violation of the refugee convention and strongly indicated that Cambodia was not motivated by human security concerns in their management of the Montagnard refugee situation.

Instead, the leadership of Cambodia seemed to have been mainly motivated by maintaining a decent relationship with Viet Nam. It seems reasonable to assume that Viet Nam extended a fair amount of pressure on Cambodia to ensure that Cambodia would not allow local integration of the Montagnard refugees. This could indicate that Viet Nam feared that a settlement of Montagnards close to its borders could become a facilitating factor for an organized uprising of the Montagnards similar to what they experienced in the 1970s and 1980s when the Montagnards united against the regime in Hanoi under the para-militant group FULRO.

At the same time, it would appear that the Cambodian government was seeking to not displease the United Nations and the representatives for the Western world, as they were (and still are) highly dependent both the United Nations and the Western donor countries for continuing monetary support and technical cooperation for the further development of the impoverish nation.

To find a balance between these two motivating factors, Cambodia chose to allow UNHCR to provide temporary safe heavens for the Montagnards while other durable sustainable solutions were being identified and implemented. At the beginning of the time period examined Cambodia allowed UNHCR to have permanent presence (including refugee camps) both along the border with Viet Nam as well as in the capital Phnom Penh. In 2002, Cambodia changed its position and demanded the UNHCR camps in the border regions closed. This demand notably complicated UNHCR attempts to provide an acceptable level of refugee protection and made the Montagnards' journey to safety both more strenuous and hazardous.

Cambodia became a transit and temporary destination for the Montagnards that fled Viet Nam between 2000 and 2005, and as such the country played an important role in the insurance of the human security of the Montagnard refugees. The leadership of Cambodia, however, had a number of other concerns that took priority over that of the wellbeing of the refugees – notably its relations with Viet Nam. The country's participation in ensuring the safety of the Montagnard refugees was reluctant at best, and it seems safe to conclude that it was not concerned for the Montagnard refugees' human security that was decisive in excluding local integration as a potential solution to the Montagnard refugee situation.

The second durable and sustainable solution to a refugee crisis is *repatriation*. Ideally, repatriation entails a safe and dignified return of a refugee to his or her homeland under circumstances that will not provoke yet another cycle of flight. If the safety of the returnees can be ensured together with access to sustaining an acceptable level of living, repatriation is a sound solution seen from a human security perspective as it also holds also potential to satisfy the psycho-social aspects of a refugee's human security.

Until the middle of 2004, UNHCR in Phnom Penh did not consider repatriation a safe and durable option for the Montagnard refugees. Viet Nam was not willing to allow UNHCR access to the homeland of the Montagnard refugees, and therefore, UNHCR was not in a

position to assess the security situation in the areas to which the refugees potentially could have been repatriated, and they could not monitor their plight after repatriation. This meant that repatriation remained only a solution on paper with the exception of a few Montagnard refugees who chose to travel back home without the support of external agents.

In 2004 UNHCR changed their official position and decided to introduce repatriation as a solution to this particular refugee crisis. The motivation to introduce repatriation as a solution to the situation of the Montagnard refugees was that the principle of *non-returnability* is not practiced by UNHCR on a global level, and that the UNHCR had recognized all Montagnard asylum seekers as refugees simply because the U.S. would accept them all for resettlement. In other words, UNHCR chose to introduce a repatriation scheme for the Montagnard refugees because their previous procedures did not align with those of UNHCR on a global level, and also due to an aspiration to break with U.S. interests. The human security of the refugees does not seem to have been a major factor in the change of procedures.

The analysis will therefore seem to indicate strongly that the human security of the refugees was not a major factor (if a factor at all) for introducing repatriation as a solution to the situation of the Montagnard refugees, and these indications sadly align with the human security experience of many of the returnees. There were consistent and credible reports that returnees were maltreated by Vietnamese authorities including reports of imprisonment and torture. Simultaneously, the returning refugees were faced with many of the problems that they had fled from such as insufficient access to health facilities, poverty and continuing conflicts over access to farm land.

The third and last solution to a refugee crisis is resettlement in a third country. On a global level, resettlement is often the least used solution, partially due to the Western World's growing reluctance to accept refugees. It has even been claimed that there has been a *"Shift from the protection of asylum seekers to the protection from them"* (Newman, 2003: 7). Whereas this may be a valid concern on a global level, it did not apply in the case of the Montagnard refugees.

The United States was willing to accept all Montagnard refugees, and there was even an incident in July of 2005 where the United States chose to accept a group of Montagnard

asylum seekers for resettlement although they had not been recognized as refugees by UNHCR.

The United States commitment to the fate of the Montagnards refugees seems to be grounded in a sense of guilt and responsibility as the Montagnards had fought alongside American troops in the Vietnam War, and this in part has been one of the reasons for their difficulties with the regime in Hanoi ever since. In the time period examined, 1532 Montagnard refugees and asylum seekers have been resettled to the United States, and their safety and minimum requirements for survival was secured; however, the resettled Montagnards also could have to face serious challenges with integration and so forth. By mid-2004 UNHCR decided to seek out other potential resettlement countries, and as a result Canada, Sweden and Finland have accepted relatively small groups for resettlement.

However, relating to the objective of this study, the core of this is that resettlement was not implemented primarily because it would be the best way to secure the wellbeing of the Montagnard refugees. It was used because the United States wanted to show their gratitude to a former ally, and the scheme was diversified because the UNHCR did want to appear as being a *"travel agency"* for the United States. The human security of the refugees was not a primary motivating factor in the decision process.

In sum, the hypothesis of this study – that the decision concerning whether or not a Montagnard refugee was repatriated or resettled was based upon an estimation in regard to the best means to ensure the human security of the individual(s) in question – must be falsified. Other issues took priority over that of the human security of the Montagnard refugees.

When trying to determine why some Montagnards were being repatriated while others were being resettled, it seemed natural and obvious to look to the organizations involved in the resettlement/ repatriation process for answers. Communications with and publications from these organizations (UNHCR, IOM, HRW, MFI and JRS) have been informative and have been able to explain the resettlement versus repatriation process to a large degree. However, it has been important to remember that all organizations serve their own agenda. Each of them has their own defined focus and their own agendas. Human Rights Watch (HRW) can, will and should write challenging reports and provide serious critique in their press statements – it is their role as one of the world's leading human rights watch dogs. Other agents will have to

be a little more delicate in their handlings. UNHCR and IOM are international organizations. They are founded, owned and funded by coalitions of governments across the world and must act accordingly. International organization field missions need to be diplomats, and it would be unwise of them to be too confrontational as they need the cooperation of their host government to work.

Therefore, when the same question is asked to HRW and UNHCR the answers may therefore differ, but that does not necessarily mean that the perceptions of the situation are fundamentally different. The respondents have formed their answers in their context and according to professional roles and to some degree that explains the difference in their statements concerning the welfare of the Montagnard refugees.

However, it does not explain the differences completely. The stakeholders disagreed on some key issues, notably the issue of safety of the repatriated refugees. The representatives for Human Rights Watch, Jesuit Refugee Service and the Montagnard Refugee Service stated with certainty that there had been serious incidents of mistreatment of repatriated refugees, whereas the UNHCR officer called the same reports *"not completely credible"* (RA, UNHCR: 1.6.2006).

It could be speculated that at least one of the sides are seeing only what they want to see. As argued in the methodology chapter, officers in humanitarian organizations (as most professional) take pride in their work. They want to believe that they are doing a good job. Those responsible for refugee protection may not have been willing to realize that they did not succeed or that refugees who have been under UNHCR protection were in fact send back to an area where their human security was severely threatened.

The hypothesis that the responsible humanitarian workers are only seeing what they want to see is somewhat supported by incidents earlier in the time period examined. In July 2005, Cambodian police entered one of the refugee sites in Phnom Penh in order to deport 101 individuals who had had their refugee claims rejected (94 asylum seekers ended up being deported to Viet Nam, whereas the remaining 7 turned out to be Cambodian nationals). An UNHCR protection officer was later interviewed by the Cambodia Daily regarding the deportations and was subsequently quoted in the newspaper: *"The UNHCR "saw someone hitting Montagnards" during the removal,* [name removed] *said. "We intervened"* [name removed] *said, adding that UNHCR officers physically placed themselves between the police*

and the hill tribesmen. "In several instances there were electric batons used to threaten Montagnards to leave the site," though UNHCR did not directly observe anyone receive shocks, [name removed] *said"*. (Brennan, 2005: 8)

According to Brennan (2005,) the quote was read back to the UNHCR officer after the interview, and she confirmed its accuracy.

The account of an extensive use of force by the Cambodian police was supported by reports from both Jesuit Refugee Service (JRS) and Human Rights Watch (HRW). The Director from Jesuit Refugee Service in Phnom Penh also reported that the police had beaten individuals lying on the ground. The Director also explained that a mother carrying a small child on her back was beaten, and electric batons were used extensively. (Brennan, 2005: 8)

Following the incident in the refugee site, the UNHCR spokesperson from its headquarters in Geneva said that five UNHCR staffers were present during the deportation and that there had been no use of excessive force: *"It is our firm impression that they managed the return with proper restraint. We did not observe anyone being beaten, kicked or electric batons being used to shock people"*. (Brennan, 2005: 8)

The very mixed reports from UNHCR on the proceedings of the deportation leave room for wondering. It seems likely that excessive force was applied. Numerous witnesses confirmed that it was, and the Cambodian police are known for their brutality. Also, the initial statements from UNHCR confirmed the use of violence. So why did UNHCR change their statements in the matter?

Excluding the possibility of severe miscommunication between the headquarters of UNHCR and the field office in Phnom Penh, there seems to be two possible explanations. One factor that could have motivated UNHCR to change their accounts on the incident could be the protection of their fragile relationship with the Cambodian government. Publicly critiquing the Cambodian police would probably hurt relations and complicate the organization's cooperation with the host government. As such, the change in statements could be viewed as "damage control". Alternatively, it could be interpreted as professionals in the humanitarian business trying to protect their own self-image. In recent publications, Zoe Marriage has (2006) argued that aid organization professionals can have strong incentives to deny certain truths of their work. In relief and aid work there are certain situations over which employees of humanitarian organizations have no influence, and therefore they will try to avoid implicating themselves. (Marriage, 2006: 480) The incident described above could fall into

this category; the UNHCR officers present had no realistic means to stop the Cambodian police officers using excessive force during the deportation. Humanitarian organizations – such as UNHCR – have universal objectives, and Marriage's argument is that because humanitarian organizations operate in areas where they are unable to meet these objectives, they manage the discrepancy between their goals and reality by applying denial to personal, organizational and institutional levels. The uncertainty regarding how to deal with harmful outcomes tempts both individuals and organizations to deny unpleasant facts. "Adjusted" accounts of events provide psychological protection to the professionals directly dealing with the situation and the organizations behind them. Following the tradition of Foucault, Marriage claims that these discrepancies are made possible by the power disparity between the humanitarian organizations and the people they are meant to aid. (Mariage, 2006: 479-495)

Drawing final conclusions to whether or not this comfort of denial was the motivational factor behind UNHCRs change of statements in relation to the forced deportations in July 2005 is not viable as it would require access to the internal communication of UNHCR at the time. It is not unthinkable, however.

Alternatively, it could be speculated that the organizations that from the very beginning spoke harshly out against the 2005 Memorandum of Understanding may simply not be willing to accept that Viet Nam lived up to the promises listed in the agreement.

One of the harshest critics of the 2005 Memorandum of Understanding and UNHCR becoming a signatory to it was the office of the (now former) Special Representative of the Secretary-General for Human Rights in Cambodia, Mr. Peter Leuprecht. The offices' disagreement took the form of an exchange of internal letters and very conflicting statements to the local press. (EU Emb., 2006: 6) Their conflicts of viewpoints were quite open, and it could seem distressing that two UN agencies could have so fundamentally different views on the sustainable solutions to a refugee crisis.

One of the reasons for the conflict could be that UNHCR and the Special Representative of the Secretary-General for Human Rights in some regards have conflicting mandates and conflicting legal frameworks. The 1951 Convention on Refugees relates to obligations of the state, whereas the Universal Declaration of Human Rights (1948) relates to the rights of the individual. Their objectives are different, which could result in different attitudes to the same problem. This in turn – in relation to the situation with the Montagnards – led to a conflict

between the two UN agencies. UNHCR focused on trying to make Cambodia meet its obligations under the Refugee Convention and settled for the limited level of cooperation that the Cambodian Government was offering. Correspondence between UNHCR and diplomatic missions in Phnom Penh (EU Emb., 2006) clearly indicates that UNHCR felt that pushing the Cambodian government would merely worsen the situation and make it difficult – if not impossible – for the organization to meet its refugee protection mandate. The former Special Representative of the Secretary-General for Human Rights was mandated to promote the Universal Declaration of Human Rights. As mentioned, article 14 of the Declaration states asylum as an individual human right (UN, 1948), and it follows that the Special Representative of the Secretary-General therefore will seek to promote and protect the right to asylum. Article 14 of the Universal Declaration of Human Rights and the 1951 Convention relating to the status of refugees are not conflicting as such; however, their focus differs. In turn, this means that the organizations mandated to promote and protect these international agreements will have slightly different focuses.

What on paper seems like minor differences grew into institutional conflicts between two of the most prominent UN agencies in Phnom Penh in 2005, which undermined the authority of the UN as a whole – and more importantly – drew attention away from the very vulnerable group of refugees that had been the initial focus of the debate.

Theoretically refugees should have some sort of control over their fate. They can choose to repatriate, to resettle or to integrate in their host country. Those choices should enhance their human security in their vulnerable state as it leaves them some control over their situations. Unfortunately, the research of the Montagnard refugees' situation shows that this array of choices remains on a theoretical level.

In reality, the Montagnard refugees in the sites in Phnom Penh between 2000 and 2005 had two to three choices. If they were granted refugee status, they could chose to accept a resettlement offer. They could choose to be voluntary repatriated under the given circumstances of the time. Or they could choose a third option not outlined by UNHCR They could choose *not to choose* such as the group that was labelled *refuseniks.* Time however showed becoming a *refuseniks* only led back to the two other options. When the second Memorandum of Understanding was signed in 2005, the *refuseniks* had a month to decide whether they wanted to repatriated or resettled, or they would be repatriated (deported).

Finding sustainable and durable solutions to the situation of the Montagnard refugees proved to be a difficult task for the involved agencies. The circumstances around this scenario of forced migration were (and still are) complicated. There were numerous conflicting interests from influential stakeholders and possible solutions were limited. Still, solutions had (and still has) to be found.

The flow of Montagnard refugees from Viet Nam to Cambodia has lessened; nonetheless, it is still continuing. To this day there are Montagnards in the Highlands of Viet Nam that find themselves in situations so humiliating or hazardous that they see no other solution than to start a long and dangerous journey in search of safety and a better future and due to geographical factors the first leg of that journey goes to Cambodia.

The border between Cambodia and Vietnam is a long and porous land border that is mostly accessible only by foot. Controlling the border effectively and thereby stopping the migration of Montagnards is nearly impossible. Moreover, it is not only difficult, but it is also non-compliant with international legal framework on refugee protection and with the parameters of the human security paradigm. The objective for the relevant agencies in Phnom Penh should therefore not be to stop the migration, but rather to handle it in a manner that safegaurds human security as well as international and societal security. The realities of achieving this objective, however, are a challenging undertaking.

When James Orbinski accepted the Nobel Peace Prize in 1999 for Médecins Sans Frontières, he said in his lecture: *"…the humanitarian act is the most apolitical of all acts, but if actions and its morality are taken seriously, it has the most profound of political implications."* (Orbinski, 1999)

The quote is aimed at humanitarian acts broadly speaking, but it is also very illustrative of the case of the protection of the Montagnard refugees, and perhaps it is indicative of most refugee crises on a global level. Aiding those who flee is a basic premise of humanitarian action that should be based on universal principles. However, because refugee protection is given within a geo-political context, it has political implications. In this case, political implications influence the management – and thereby the protection offered - both on a national level and on an organization level. Managing the handling of the Montagnard refugee crisis meant navigating between competing interests of stakeholders, geopolitical circumstances, economic

and practical limitations. The solutions that were found were not ideal from a human security perspective, but they were merely achievable.

9. When ideals clash with plausibility

This thesis has concluded that it was not human security that was the main determining factor for the fate of the Montagnard refugees. The solutions implemented were in large parts a reflection of international politics, geo-strategic interests and cooperation between relevant agencies (or lack thereof). Finally, the difficult circumstances put a certain limit to what was plausible and achievable. These circumstances meant that concerns for the human security of the refugees could not be the top priority.

This last chapter seeks to take the lessons learn from this case and place them into a broader perspective.

Frost (in Newman, 2003: 117) has argued that *"we must recognize the people at the border as people who, with us, are participants in certain global practices"*. The statement appeals to a sense of international solidarity; it promotes the notion we – as individuals, organizations and states – are responsible for each other across traditional lines of division such as international borders and ethnic groupings. From this line of reasoning follows that refugees are more than a particular vulnerable group of people with a set of minimum rights guaranteed in the 1951 Convention – they are people like you and me, and therefore they should have the same human rights as we do. That is the ethical position – the pragmatic position however, can force the implementing partners out of the ivory tower.

In the aftermath of the 2005 Memorandum of Understanding, the former Special Representative of the Secretary-General (SRSG) for Human Rights in Cambodia, Mr. Peter Leuprecht, wrote to UNHCR and listed a number of human rights concerns and called for the Memorandum of Understanding to be suspended until these concerns had been addressed. UNHCR gave a written response to SRSG Mr. Leuprecht in which they wrote *"the best should not be allowed to become the enemy of the good, particularly if the alternative was the status quo, which had become increasingly untenable from a protection perspective"*. (EU Emb., 2006: 6) It is this quote from which this thesis takes its name.

The response from UNHCR argues for a pragmatic approach to the handling of the situation with Montagnard refugees in Cambodia. Implicit in the sentence is an acknowledgement that

the tripartite agreement is not ideal in terms of refugee protection. However, the UNHCR argument seems to be that the 2005 Memorandum of Understanding was the best possible outcome considering the sensitive political climate; however, is that a valid argument seen in the context of the organization's mandate?

According to the *"Statute of the Office of the United Nations High Commissioner for Refugees"*, the UNHCR shall *"assume the function of providing international protection, under the auspices of the United Nations, …… seeking permanent solutions for the problem of refugee by assisting Governments"* (UNHCR, 1950: Ch.1 (1)). It continues to state that the organization's activities must be *"of an entirely non-political character"* (UNHCR, 1950: Ch.1 (2)).

According to the statute (and it is in accordance with the statute's provisions that UNHCR's field offices must conduct their work) the organization shall seek solutions by *assisting* governments. UNHCR is an international humanitarian organization; it is owned and funded by the governments of the world. This will shape the character of the refugee protection that the organization can offer both in theory and certainly also in the reality of this case.

There were three main governments with significant interest in the case of the Montagnard refugees. There was the government of Viet Nam that sought rapid and discrete measures to eradicate this illustration of their domestic problems. There was also the government of Cambodia that on the one hand had (and still has) very close ties to its powerful neighbour in East and that on the other hand was (and still is) heavily dependent on donor assistance (often distributed and managed under the auspices of the United Nations). Finally, there was the government of the United States that wanted to show gratitude to former allies and also was the single biggest monetary donor to the UNHCR[26]. Because UNHCR is an international organization (as opposed to a nongovernmental organization or an advocacy group), it was forced to conduct its operations in a manner that (at least for the most part) was acceptable to the governments involved. If UNHCR had pressed its agenda too hard, the result could have been a refusal from the governments involved to continue the cooperation with UNHCR rendering protection of the Montagnard refugees unattainable.

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[26] UNHCR is largely dependent on voluntary contributions as only 2, 9 % of its budget is covered by the United Nations regular budget. In 2006, the United States contributed $329.3 million US which made it the single biggest donor on a global level. (RI, 2006)

Therefore, it could be argued that the UNHCR was right in its reply to Special Representative of the Secretary-General's critique: maybe the best should not be allowed to jeopardize the good. Durable solutions to the Montagnard crisis had to be found in an environment of sub-regional tensions and co-dependencies with limited resources on the local, national and international level and with donor fatigue and generally challenging issues of development and human rights violations. Maybe the pragmatic *"we will do the best with the resources we have"* approach was the only realistic approach especially if the alternative was doing nothing at all and letting the Montagnard refugees rot in the remote jungle areas of the Highlands.

Unfortunately, it is not that simple. When thoroughly examining the handling of the situation with the Montagnard refugees from 2000 to 2005, the securing of human security was not all that *"good"*. The two groups of refugees for whom there were sustainable and durable solutions to their refugee status – those resettled and those repatriated – are both likely to face considerable human security challenges. The challenges are different for the two groups. In fact, one could almost say there is a certain trade-off. If repatriated, the physical human security of the refugee(s) has been documented to be in possible jeopardy. If resettled, the human security is likely to be secure in physical and material terms; however, the psycho-social human security is questionable (at least in a period of transition, which could potentially be extensive).

The distinction between what is *"good"* and what is *"best"* is perhaps at the end of the day a question about what the real plausible solutions to the crisis were, In many ways the stakeholders in Phnom Penh were caught between a rock and a very hard place. The Cambodian government could (or would) not risk its relations with its influential neighbor for a relatively small group of refugees. The embassies were influenced by history (this in particular goes for the U.S. Embassy) as well as international obligations and domestic interest (factors that at times were contradictive). The UNHCR was trying to fulfill its mandate in an environment that was less than conducive.

It is not my place to judge if the *"good"* or the *"best"* was achieved, nor is it the purpose of this study, but perhaps what this case study has illustrated is that there is a long and difficult

road from international conventions, mandates and good intentions to what can actually be achieved in the field.

The case has its nasty aspects. There are well-documented cases of *refoulement* – a clear violation of international customary law and Cambodia's obligations as a signatory to the 1951 Convention on the status of refugees. There are well-documented incidents of human rights violations and torture of repatriated refugees – incidents that showed that Viet Nam violated both the wording and the spirit of the tripartite Memorandum of Understanding. Also, a few critical questions have been raised as to how the matter was handled by the international organizations involved, in particular UNHCR. These aspects are not *"best"* but neither are they *"good"*. Rather, they unnecessarily and seriously put the human security of the Montagnard refugees at risk.

Now, what is the *"good"* that is referred to in the letter from UNHCR? I read it as an *"as good as it gets"* under the current difficult circumstances type of statement. Intentions are not enough; it is the outcome that matters for the refugee involved.

For me personally, this case study started an ordinary October day in 2005 in Phnom Penh International Airport where a college and I were assisting a group of Montagnard refugees who were about to start their resettlement journey to Greensboro, North Carolina. I knew that they were bound for physical safety; yet there was a bitter taste in my mouth when I saw the plane take off. No matter how you twist and turn it, North Carolina is a world away from their ancestral lands in Viet Nam, and this group of people was about to face challenges they could not even begin to imagine. Resettlement is probably *"good",* but I am willing to question whether it is in fact *"best"*. I dare extend the same argument to a repatriation scheme with a hostile regime known for its disregard for human rights and human security when it comes to its minorities and its limited international monitoring.

The stakeholders interviewed for this research did not agree on a much, but they did agree on one thing. The best solution to this particular scenario of forced migration was not repatriation, and it was not resettlement. The *"best"* would be to solve the Montagnard issue at its origin – in the central Highlands of Viet Nam.

Vincent Keane, the Chief of Mission for IOM Phnom Penh, had a remark that is highly illustrative of this case, but also of the pragmatic attitudes you will find in many international

organizations dealing with implementation and mediation: *"Sometimes you have to take the moral low-ground to get a job done…. And we got to somehow find out where the greatest good is or the lesser of the evils. And getting this problem solved".*

If the human security and human rights violations in the Highlands were brought to end, the refugee flow would most likely end. Until then – all the international agencies can do is aim for the *"best"* and try to do *"good"*.

10. Bibliography

Alkiri, 2001

A conceptual framework for human security / Sabina Alkiri. Oxford : University of Oxford, 2001. (CRISE working paper no. 2).

Bailey, 2002

Montagnards : their history and culture / Raleigh Bailey. [S.l.] : Center for Applied Linguistics -The Cultural Orientation Resource Center, 2002. (Cultural profiles).
Internet: http://www.cal.org/co/montagnards/index.html (acc. 15.4.2007)

Brauch, 2005

Environmental and human security : towards freedom from hazard impacts / Hans Günther Brauch. Bonn : United Nations University, 2005.

Brennan, 2005

The 2005 tripartite agreement concerning Montagnard asylum seekers in Cambodia / Frank Brennan. "Research conducted at the request of the Jesuit Refugee Service in Cambodia".
Included in appendix.

Britannica

Vietnam War (2007) **IN** Encyclopædia Britannica,
Internet: http://search.eb.com/eb/article-9075317 (acc. 18.3.2007)

Casella, 2005

Refugees awaken ghosts of Vietnam / Alexander Casella. 17 September 2005.
Internet: http://www.mylittlesaigon.com/35/70/ (acc. 20.11.2006)

Chimni, 2000

International refugee law : a reader / B. S. Chimni (ed.). New Delhi : Sage, 2000.

Churgin, 1996

Mass exoduses : the response of the United States / Michael J. Churgin **IN** International migration review, 1996, vol. 30, no. 1, p. 310-324.

Colville, 1993

Resettlement : still vital after all these years? / Colville, Rupert **IN** Refugees: 1993, no. 94, p. 4-8.

Convention and protocol relating to the status of refugees : text of the 1951 convention relating to the status of refugees and text of the 1967 protocol relating to the status of refugees. United Nations High Commissioner for Refugees (UNHCR), 1951/1967.

De Launey, 2005

Vietnam refugees look to new life / Guy De Launey. London : BBC, 2005.
Internet: http://news.bbc.co.uk/2/hi/asia-pacific/4540665.stm (acc. 20.5.2007)

Dodds, 2005

Human and enviromental security : an agenda for change / ed. Felix Dodds and Tim Pippard. London : Earthscan, 2005.

Economist, 2006

What war? : Vietnam and America **IN** The economist: 2006, vol. 381, no. 8504, p. 65.

Edwards, 2005

Human rights, refugees, and the right 'to enjoy' asylum / Alice Edwards. **IN** International journal of international law, 2005, vol. 17. no. 2, p. 293-330.

EU Emb., 2006

Protection of Vietnamese Montagnards of concern to UNHCR and the MOU. Phnom Penh, Cambodia: Embassies of the European Union in Phnom Penh, January 2006. (Internal briefing paper). ***Included in appendix.***

Evans, 2001

The responsibility to protect / Gareth Evans and Mohamed Sahnoun. Ottawa : International Development Research Centre, 2001. (Report of the International Commission on Intervention and State Sovereignty).

Feller, 2006

Asylum, migration and refugee protection : realities, myths and the promise of things to come / Erika Feller **IN** International journal of international law, 2006, vol. 18. no. 3-4, p. 509-536.

Galtung, 1985

Twenty-five years of peace research: ten challenges and some responses / Johan Galtung **IN** Journal of peace research, 1985, vol. 22, no. 2, p. 141-158.

Giddens, 1995

A contemporary critique of historical materialism / Anthony Giddens. 2nd edition. London: Macmillan Press Ltd.

Goldstein, 2004

International relations / Joshua S. Goldstein and Jon C. Pevehouse. New York : Pearson and Longman, 2004.

Graham, 2000

Migration, globalisation and human security / ed. David T. Graham and Nana K. Poku. London : Routledge, 2000.

Harboe, 1999

Indføring i sociologisk metode / Thomas Harboe. 2. udgave. Gylling: Samfundslitteratur, 1999.

HRW , 2002

Repression of Montagnards / Human Rights Watch. New York: Human Rights Watch, 2002. Internet: http.//hrw.org/reports/2002/Vietnam/ (acc. 22.3.2007)

HRW, 2003

New assaults on rights in Vietnam's central highlands : crackdown on indigenous Montagnards intensifies / Human Rights Watch. New York: Human Rights Watch, 2003.

HRW, 2004

Vietnam : independent investigation of Easter week atrocities meeded now / Human Rights Watch. New York: Human Rights Watch, 2005. (Human Rights Watch briefing paper). Internet: http://hrw.org/english/docs/2004/05/27/ vietna8625:txt.htm (26.3.2007)

HRW, 2005

Vietnam : torture, arrests of Montagnard Christians : Cambodia slams the door on new asylum seekers / Human Rights Watch. New York: Human Rights Watch, 2005. (Human Rights Watch briefing paper).
Internet: http://hrw.org/backgrounder/asia/vietnam0105/vietnam0105.pdf (26.3.2007)

HRW, 2006

No sanctuary : ongoing threats to indigenous montagnards in Vietnam's central highlands / Human Rights Watch. New York : Human Rights Watch, 2006 (Human Rights Watch, 2006, vol. 18, no. 4)

Jacobsen, 2001

The forgotten solution: local integration for refugees in developing countries. Geneva UNHCR, 2001. (Working paper, no. 45. issn: 1020-7473).

Jacobsen, 2003

The dual imperative in refugee research : some methodological and ethical considerations in social science research on forced migration / Karen Jacobsen and Loren B. Landau **IN** Disasters, 2003, vol. 27, no. 3, p. 185-206.

Konin, 2005

Initial list of concerns raised by Montagnards from Central Vietnam / Kirill Konin. Phnom
Penh : UNHCR, 2005. Internal document, 30 September 2005

Leaning, 2000

Human security in crisis and transition : a background document of definition and application
/ Jennifer Leaning and Sam Arie. Harvard : CERTI, 2000.

Internet: http://www.certi.org/publications/policy/human%20security-4-exec.htm (acc.
20.11.2006)

Leaning, 2001

Human security : A framework for assessment in conflict and transition / Jennifer Leaning
and Sam Arie. Harvard : CERTI, 2001.

Internet: http://www.certi.org/publications/policy/human%20security-4.PDF (acc.
20.11.2006)

Marriage, 2006

The comfort of denial: External assistance in Southern Sudan / Zoe Marriage **IN** Development
and Change, 2006, Vol. 37, No. 3, p. 479-500.

Marsh, 2002

Theory and methods in political science / ed. by David Marsh and Gerry Stoker. 2. ed..
Basingstoke : Palgrave, 2002,

MHRO, 2006

Cultural preservation: The Montagnard Human Rights Organization.

Internet: http://www.mhro.org/cultural_preservation.html (acc. 15.4.2007)

MoU, 2005

Memorandum of Understanding Between the Government of the Socialist Republic of Vietnam, the Royal Government of Cambodia and the United Nations High Commissioner for Refugees on the Settlement of Issues Relating to the Vietnamese Central Highlands Ethnic Minority People in Cambodia, signed by Le Cong Phung, First Deputy Minister, Vietnam Ministry of Foreign Affairs, Long Visalo, Secretary of State, Cambodia Ministry of Foreign Affairs and International Cooperation; and Erika Feller, Director, UNHCR Department of International Protection, January 25, 2005, Hanoi, Vietnam. ***Included in appendix.***

Morris, 1999

Why Vietnam invaded Cambodia : political culture and the causes of war / Stephen J. Morris. Stanford : Stanford University Press, 1999.

Møller, 2000

National, societal and human security: a general discussion with a case study from the Balkans / Bjørn Møller. København : CORPI, 2001. (Working papers, no. 37).

Nachmias, 2004

The politics of forced migration / Nitza Nachmias and Rami Goldstein (ed). Baltimore : PublishAmerica, 2004.

Newman, 2003

Refugees and forced displacement : international security, human vulnerability, and the state / ed. by Edward Newman and Joanne van Selm. Tokyo : United Nations University Press, 2003.

James Orbinski, 1999

The Nobel Lecture given by The Nobel Peace Prize Laureate 1999, Médecins Sans Frontières, 10 December 1999 / Orbinski, James

Internet: http://nobelpeaceprize.org/eng_lect_99m.html (acc. 1.6.2007)

Ogata, 2000

Enabling people to live in security : Keynote Speech at the International Symposium on Human Security [Tokyo], High Commissioner's Statements, 28 July 2000 / Sadako Ogata. Internet: http://www.unhcr.org/cgi-bin/texis/vtx/admin/opendoc.htm?tbl=ADMIN&id=3ae68fcac (acc. 7.12.2006)

Paris, 2001

Human security : paradigm shift or hot air / Roland Paris **IN** International security, 2001, Vol. 26, No. 2, p. 87-102.

Reed, 2001

Temporary asylum granted to Montagnards / M. Reed and L. Chandra **IN** Cambodia Daily, 18 May 2001.

Refugee Council USA, 2006

The impact of the material support bar : U.S. refugee admission program for fiscal year 2006 and 2007 / Refugee Council USA. Washington, D.C. : Refugee Council USA, 2006. Internet: http://www.rcusa.org/RCUSA2006finpostbl-w.pdf (acc. 9.5.2007)

RI, 2006

Displaced at risk as UNHCR faces donor shortfalls / Refugees International. Washington, D.C.. 2006. Internet: http://www.refugeesinternational.org/content/article/detail/8699/ (acc. 3.5.2007)

Sen, 1999

Development as Freedom / Amartya Sen. Westminster: Alfred Knopf Incorporated, 1999.

Smith, 2001

Ethics and foreign policy / ed. by Karen E. Smith and Margot Light. Cambridge : Cambridge University Press, 2001.

Soenthrith, 2006

Bodies in river believed to be asylum-seekers / Saing Soenthrith and Douglas Gillison **IN** The Cambodian Daily, June 1 2006. ***Included in appendix.***

The, 2007

Hunting Montagnards in Cambodia / The Co Van. (Policy and world ideas). Retrieved March 23nd, 2007.

Internet: http://johnib.wordpress.com/2007/02/22/hunting-montagnards-in-cambodia/ (20.5.2007)

´

Thomas, 2002

The utility of human security: sovereignty and humanitarian intervention / Nicholas Thomas and William Tow **IN** Security dialogue, 2002, Vol. 33, No. 2, p. 177-192.

UN, 1948

Universal Declaration of Human Rights / New York : United Nations General Assembly, 1948.

UNDP, 1993

Human development report 1993 / United Nations Development Programme (UNDP). Oxford : Oxford University Press, 1993.

UNDP, 1994

Human development report 1994 / United Nations Development Programme (UNDP). Oxford : Oxford University Press, 1994.

UNDP, 2006

Human development report 2006/ United Nations Development Programme (UNDP).

Internet: http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_KHM.html. (acc. 1.6.2007)

UNHCR, 1950

Statute of the office of the United Nations High Commissioner for Refugees : general assembly resolution 428 (v) of 14 December 1950. Geneva : UNHCR, 1950.

Internet: http://www.unhcr.org/protect/ (acc. 11.5.2007)

UNHCR, 2001

Cambodia / UNHCR urges government to meet its obligations. Geneva : UNHCR, 2001. (UNHCR briefing notes).

Internet: http://www.unhcr.org (acc. 11.3.2007)

UNHCR, 2002

UNCHR expresses concern over collapse of tripartite agreement : UNHCR press statement, 22. March 2002.

Internet: http://www.unhcr.org (acc. 23.3.2007)

UNHCR, 2004a

Comprehensive approach to resolving refugee situations and providing appropriate durable solutions. Geneva : UNHCR, 2004.

Internet: http://www.unhcr.org (11.1.2007)

UNHCR, 2004b

Resettlement handbook / Department of International Protection. Geneva : UNCHR, 2004.

Webb, 1999

A measure of uncertainty : the nature of vulnerability and its relationship to malnutrition / Patrick Webb **IN** Disasters, 1999, vol. 23, no. 4, p. 292-305

Webb, 2000

Drawing lines in water: the challenges of vulnerability analysis in developing countries /Patrick Webb **IN** The Fletcher Forum of World Affairs, 2000, vol. 24, no. 1, p. 33-46.

WHO, 2002

Health and ethnic minorities and poverty reduction. Vietnam : World Health Organization, 2002.

Writenet, 2006

Vietnam: situation of indigenous minority groups in the Central Highlands / Writenet. Geneva : UNHCR, 2006. (A Writenet report).

Internet: http://www.unhcr.org/home/RSDCOI/ 44c0f55a4.pdf (17.9.2006)

Yin, 2003

Case study research design and methods / Robert Yin. Thousand Oaks : Sage, 2003.

For the full transcripts of interviews or other not published information please see attached CD-ROM. For reasons of confidentiality, the CD-ROM is not included in the public version of this report.

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