

8/4/02

Hartmut Nassauer

Draft Resolution
pursuant to Rule 50

tabled by Hartmut Nassauer and Bernd Posselt

35-214/02

in the name of the EPP-ED Group
on **Indigenous minorities in Vietnam and closure of refugee camps in Cambodia**

The European Parliament,

- Having regard to its previous resolutions on the situation in Vietnam of 19 January 1995, 15 May 1997, 16 March 1998, 16 November 2000 and 5 July 2001,
- Having regard to the UN Convention on the Status of refugees of 1951 and its 1967 Protocol,
- Having regard to the UN Covenant on Civil and Political Rights of 1966,
- Having regard to the 1995 Co-operation Agreement between the EU and Vietnam,
- Having regard to the Tripartite Agreement signed on January 21, 2002 between Cambodia, Vietnam and the UNHCR,

A. Whereas Cambodia is a party to the 1951 Convention relating to the Status of Refugees, which prohibits forcible repatriation of asylum seekers to a country where his or her life or freedom may be threatened,

B. whereas Vietnam as a state party to the International Covenant on Civil and Political Rights (ICCPR) has to uphold freedom of opinion, of gathering, of movement, of religious belief and worship,

C. concerned by the continued persecution of indigenous minorities from the Vietnam's Central Highlands - known as Montagnards - since the demonstrations that took place in February 2001 in protest against the confiscation of their ancestral land, the influx of lowland Vietnamese settlers taking their agricultural land, the lack of freedom of worship for the members of the unauthorised evangelical Protestant Churches as well as the denial of basic rights of freedom, including education in basic languages,

D. considering that the Tripartite Agreement between UNHCR, Cambodia and Vietnam had foreseen the repatriation under the auspices of UNHCR of the approximately 1,000 Montagnards, who had flown to Cambodia as a consequence of the violation of their human rights and are currently sheltered at the two UNHCR sites in Mondolkiri and Ratanakirimore,

E. Deeply concerned by the decision of the Cambodian and Vietnamese Government to *bilaterally* attempt to implement the repatriation agreement before the rainy season of this year as well as the refusal by the Vietnamese Government to permit UNHCR monitoring teams to visit villages of potential returnees,

F. whereas the consequent withdrawal of UNHCR from the tripartite agreement and the termination of its involvement with the repatriation process leaves the asylum seekers exposed to the risk of undue influence, coercion and intimidation to return to Vietnam,

317.160

G. stressing the fact that in the last year, more than 200 refugees had been forcedly returned by the Cambodian provincial authorities to Vietnam, some of whom were detained and beaten by the Vietnamese authorities on their return,

H. whereas respect for human rights and democratic principles is an essential element in the 1995 co-operation agreement between the European Union and Vietnam,

1. urges the Cambodian Government to uphold its obligations as a signatory to the 1951 Refugee Convention, in particular by ensuring that any repatriation of Montagnards to Vietnam be conducted on a voluntary basis and by guaranteeing that asylum seekers arriving in Cambodia are not denied their basic rights for asylum;

2. calls for the suspension of the repatriation programs until firm guarantees are given by both Governments that the returns be completely voluntary and the lives of the Montagnards concerned not threatened once back in the Vietnam;

3. calls on the Vietnamese Government to end the arbitrary detention of highlanders who have returned from Cambodia to Vietnam either voluntarily or against their will.

4. calls on the Government of Vietnam to allow UNHCR staff to access to Vietnam's Central Highlands to monitor the situation of returning asylum-seekers as well as on the parties to the Tripartite Agreement to resume their co-operation, in particular by allowing UNHCR to station monitors in the region with the view to conducting visits before, during and after any repatriation;

5. Calls on the Vietnamese Government to unconditionally release all persons in the Central Highlands who are being held for the peaceful expression of their political or religious belief, including Protestant Church activists and supporters of the highland independent movement;

7. Instructs its President to forward this resolution to the Council, the Commission, the Government of the Socialist Republic of Vietnam, the Government of the Kingdom of Cambodia, ASEAN, the UN.