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TO IMMEDIATE PEKING

TELEGRAM NUMBER 451 OF 8 AUGUST 1979.

INFO PRIORITY HONG KONG, WASHINGTON, UKMIS GENEVA AND TOKYO.

HONG KONG TELNO 1121 (NOW REPEATED) AND 1129 :  
VIETNAMESE REFUGEES ON MV RUDD BANK.

1. THE RUDD BANK IS EXPECTED TO ARRIVE OFF SHANGHAI AT 1500 LOCAL ON 10 AUGUST, WITH 120 REFUGEES STILL ON BOARD. AFTER UNLOADING SOME CARGO IT WILL THEN GO TO QINGDAO SPENDING ABOUT A MONTH IN CHINESE WATERS.

2. WE NEED TO MAKE A STRONG EFFORT TO GET THE REFUGEES LANDED IN CHINA. WE RECOGNISE THAT THE CHANCES OF A FAVOURABLE CHINESE RESPONSE ARE NOT GOOD (THE NORSE VIKING CASE IS NOT AN ENCOURAGING PRECEDENT - YOUR TELNO 529). NONETHELESS WE WOULD LIKE YOU TO APPROACH THE MFA AT AN APPROPRIATE LEVEL AND MAKE THE FOLLOWING POINTS:-

(I) WE HOPE THAT CHINA WILL FULFIL THE OBLIGATION OF A STATE OF FIRST SCHEDULED PORT OF CALL AFTER RESCUE, AND ALLOW THE 120 REFUGEES ON THE RUDD BANK TO DISEMBARK AT SHANGHAI AND TO AWAIT FINAL RESETTLEMENT.

(II) THE GENEROUS OFFERS OF RESETTLEMENT PLACES FOR REFUGEES AND OF FOREIGN EXCHANGE FOR THE UNHCR'S FUNDS ANNOUNCED BY ZHANG WENJIN IN GENEVA MADE A NOTABLE CONTRIBUTION TO THE MEETING'S OUTCOME. HE CALLED THERE FOR SHIPS OF ALL NATIONS TO RESCUE REFUGEES AT SEA. A NECESSARY COROLLARY OF THIS IS THAT REFUGEES SHOULD BE ALLOWED TO DISEMBARK AT THE FIRST SCHEDULED PORT OF CALL SO THAT THE SHIPS' OWNERS ARE NOT PENALISED FOR ACTING HUMANELY.

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/(111) THE RUDD

- (III) THE RUDD BANK DIVERTED BRIEFLY TO HONG KONG TO SEEK URGENT MEDICAL ASSISTANCE FOR TWO SERIOUSLY ILL REFUGEES (SUFFERING, RESPECTIVELY, FROM A FRACTURED LEG AND A DUODENAL ULCER) WHO WERE TAKEN INTO HOSPITAL THERE (SEE PARA 2 OF MY 2ND TELEGRAM UNDER REFERENCE FOR LATEST INFORMATION) AND TO PICK UP EMERGENCY SUPPLIES OF BABY FOOD, VITAMINS, ETC. THE VESSEL NEVER ENTERED HONG KONG WATERS, AND RESUMED HER JOURNEY TO SHANGHAI, HER DECLARED DESTINATION, AT THE EARLIEST POSSIBLE MOMENT.
- (IV) IN HIS CONCLUDING REMARKS IN GENEVA, THE UN SECRETARY-GENERAL CALLED FOR A REASSERTION OF THE PRINCIPLE OF FIRST ASYLUM. CHINA CAN HELP RESTORE THE PRIMACY OF THIS PRINCIPLE BY ALLOWING REFUGEES ON THE RUDD BANK TO LAND TEMPORARILY.
- (V) IF ASKED WHETHER HMG WILL ACCEPT ANY OF THE REFUGEES FOR SETTLEMENT, YOU SHOULD SAY THAT WE WILL OF COURSE ACCEPT ANY WHO HAVE A CLAIM ON THE UK BY VIRTUE OF FAMILY OR OTHER CLOSE TIES.
- (VI) IF ASKED WHETHER WE SHALL AGREE TO ACCEPT ANY REFUGEES FROM THE RUDD BANK WHO HAVE NOT BEEN ACCEPTED FOR SETTLEMENT ELSEWHERE WITHIN A CERTAIN TIME, YOU SHOULD SAY THAT YOU CANNOT GIVE SUCH AN UNDERTAKING BUT ARE WILLING TO SEEK FURTHER INSTRUCTIONS.
- (VII) IF ASKED WHY THE REFUGEES DID NOT DISEMBARK IN HONG KONG, YOU MAY SAY THAT THE MASTER DID NOT REQUEST THIS, AND THAT HE WISHED TO CONTINUE AS FAST AS POSSIBLE TO HIS SCHEDULED DESTINATION IN CHINA.

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3. STRICTLY FOR YOUR OWN INFORMATION WE HOPE THE CHINESE WILL REFRAIN OR BE STEERED AWAY FROM ANY REQUEST FOR A UK GUARANTEE TO ACCEPT ANY OF THE REFUGEES NOT RESETTLED ELSEWHERE. IN THE FIRST PLACE THIS WEAKENS THE FIRST ASYLUM PRINCIPLE IN WHICH IS SUBSUMED THE FIRST PORT OF CALL CONCEPT. SECONDLY AND MORE IMPORTANT ANY ACCEPTANCE OF THE RUDD BANK REFUGEES MIGHT CUT INTO OUR QUOTA OF 10,000 FOR HONG KONG. BUT IF THE CHINESE WOULD NOT OTHERWISE AGREE TO ALLOW DISEMBARKATION AT A CHINESE PORT WE WOULD BE PREPARED TO CONSIDER SUCH A REQUEST.

CARRINGTON

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