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GRS 390A

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FM FCO 061820Z AUG 79
TO IMMEDIATE GOVERNOR HONG KONG
TELEGRAM NUMBER 625 OF 6 AUGUST

AND TO IMMEDIATE PEKING, UKMIS GENEVA, WASHINGTON AND TOKYO.

YOUR TELEGRAM NUMBER 1113. VIETNAMESE REFUGEES:
M.V. RUDDBANK.

1. WE AGREE THAT THE RUDDBANK CASE POSES CONSIDERABLE PROBLEMS, PARTICULARLY SINCE THERE MUST BE SOME DOUBT ABOUT WHETHER IT WAS NECESSARY FOR THE MASTER TO DIVERT TO HONG KONG RATHER THAN SOME OTHER PORT IN THE REGION.
2. NEVERTHELESS IN OUR PAPER ON RESCUE AT SEA PREPARED FOR THE PRE-GENEVA MEETINGS WE STRESSED THE IMPORTANCE OF A LIBERAL APPLICATION OF THE FIRST PORT OF CALL PRINCIPLE, INCLUDING PORTS OF REFUGE AND PORTS TO WHICH IT WAS NECESSARY FOR THE MASTER TO DIVERT. THE BANK LINE, WHICH WAS PUT TO CONSIDERABLE EXPENSE AND TROUBLE OVER THE ROACHBANK AND SIBONGA, HAVE THROUGHOUT HELD TO HUMANITARIAN PRINCIPLES. LORD INVERFORTH WAS CRITICAL OF OUR HANDLING OF THE PREVIOUS CASES AND IS LIKELY TO PRESS FOR A SPEEDY RESOLUTION OF THIS CASE. MOREOVER WE THINK THAT AN UNFORTHCOMING ATTITUDE IN THIS CASE MAY AFFECT AMERICAN WILLINGNESS TO TAKE INCREASING NUMBERS OF REFUGEES FROM HONG KONG. AGAINST THIS BACKGROUND WE THINK WE SHOULD BE AS HELPFUL AS POSSIBLE AND AS A MINIMUM WE BELIEVE IT ESSENTIAL TO OFFER, IN ADDITION TO FULL MEDICAL ASSISTANCE, IMMEDIATE LANDING OF ANY SICK (INCLUDING RELATIVES I.E. FAMILY GROUPS SHOULD NOT BE SPLIT).
3. THE BANK LINE HAVE TOLD US THAT MOST OF THE REFUGEES ON BOARD ARE MEMBERS OR DEPENDENTS OF MEMBERS OF THE SOUTH VIETNAMESE ARMED FORCES, AND SO GOOD CANDIDATES FOR RESETTLEMENT IN THE USA. IT WOULD ACCORDINGLY BE HELPFUL IF REPRESENTATIVE OF UNHCR AND POSSIBLY US CONSULATE GENERAL COULD BOARD THE SHIP IN HONG KONG AND CONFIRM THE ORIGINS OF THE REFUGEES AND LIKELY ELIGIBILITY FOR SETTLEMENT IN THE USA.
4. THE BANK LINE HAVE ADDED THAT IF THE REFUGEES CANNOT BE LANDED IN HONG KONG THE SHIP WILL PROCEED TO SHANGHAI AFTER ABOUT 48 HOURS, AND AFTER FURTHER CALLS IN CHINA PROBABLY TO JAPAN. WE THINK IT UNLIKELY THAT THE CHINESE WILL BE PREPARED TO ALLOW ANY OF THESE REFUGEES TO LAND IN CHINA AND THAT WE MAY ULTIMATELY HAVE TO GIVE A GUARANTEE TO ACCEPT ALL REFUGEES UNSETTLED ELSEWHERE.

15. IF THE

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5. IF THE SHIP CONTINUES TO SHANGHAI AND ULTIMATELY TO A JAPANESE PORT WITH THE REFUGEES STILL ON BOARD WE MAY HAVE TO ASK THE JAPANESE TO HOLD TO THEIR GENEVA ASSURANCE THAT THEY WILL ALLOW REFUGEES RESCUED AT SEA BY ANY VESSEL TO DISEMBARK AT A JAPANESE PORT WHETHER OR NOT IT WAS THE FIRST PORT OF CALL. HOWEVER TOKYO SHOULD TAKE NO ACTION WITH THE JAPANESE AT PRESENT. IT IS UNLIKELY THAT THE RUDDBANK WILL REACH A JAPANESE PORT UNTIL NEXT MONTH.

CARRINGTON

FILES

SEAD	PS
HK & GD	PS/LPS
UND	PS/MR HURD
FED	PS/MR BLAKER
EESD	PS/PUS
N AM D	SIR A DUFF
SAD	SIR A PARSONS
MAED	MR CORTAZZI
EID	MR MURRAY
PUSD	MR STRATTON
OID	LORD N G LENNOX
IPD	MR BULLARD
NEWS D	MR FERGUSSON
MVD	MR FRETWELL

ADDITIONAL DISTRIBUTION
BOAT PEOPLE