



Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister: It is not

yet certain that a guarantee of  
 resettlement will be required in this  
 case. But it is very likely. Would you

31 August 1979

Dear Bryan

be prepared to give the Lord Privy Seal authority to issue  
 the guarantee - again on the basis that the 119 would count  
 against the quota.

Rudd 31/8

VIETNAMESE REFUGEES : MV RUDD BANK

You will be aware, in general terms, of the progress of our efforts to secure the disembarcation of the 119 refugees rescued in the South China Sea on 4 August by the Bank Line vessel, MV Rudd Bank at the earliest opportunity and with minimal damage to the owners' interests. The latest situation is briefly as follows.

The Rudd Bank has almost completed its business in Chinese waters, and is now expected to leave today. In spite of the Chinese Government's offer of temporary or permanent asylum to the 119 refugees still on board, they have refused to disembark. It is therefore almost certain that when the Rudd Bank reaches Moji (Southern Japan) around midday tomorrow (our time) to start a new time charter, she will still have 119 Vietnamese on board. Both the Chinese authorities and our Embassy in Peking have done what they could to convince the refugees (mainly ex-officers of the South Vietnamese Armed Forces and their dependants) that they would not be damaging their longer-term interests in disembarking in China, and that they would be able to apply for resettlement elsewhere and be processed in the normal way if they did so. But they have presumably decided that to disembark in China presents them with risks comparable to those they left Vietnam to avoid.

On 20 July we informed the Japanese authorities, in Tokyo and in London, of the probability that when the Rudd Bank reached Japan there would still be refugees on board. We asked that, in accordance

/with

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with Mr Sonoda's undertaking at the Geneva meeting on refugees (see sidelined passage in copy attached) the Japanese Government should then allow them to land into temporary asylum without a guarantee of resettlement and even though Japan is not the first port of call. The Japanese response has been equivocal and although our Chargé d'Affaires believes that the Japanese authorities might eventually allow the refugees to land, it is clear that they will not give any undertaking to this effect until all efforts to land them in China have been exhausted : in effect this means that we cannot expect a positive Japanese response until after the Rudd Bank has left Chinese waters. In the light of the Chargé d'Affaires' advice, there is no advantage in taking this up at ministerial level.

The case is a unique one, further complicated by the vessel's detour to Hong Kong (without entering Hong Kong waters) to seek medical treatment for two refugees who were taken into hospital and subsequently transferred to a refugee camp in Hong Kong. It falls outside the typical case which the Japanese had foreseen, and comes at a time when their reception facilities are already almost full. The Japanese authorities may wish to attach conditions to the landing of the refugees, even though Mr Sonoda's undertaking in Geneva was categorical and unqualified. We may therefore again have to consider at short notice over the weekend the question of whether the British Government should give a guarantee of eventual resettlement of the refugees on the Rudd Bank if they have not been accepted for resettlement elsewhere within a certain period after arrival in Japan.

If the Japanese insist on a guarantee of eventual resettlement, the Lord Privy Seal thinks that the Government should agree to give it promptly. The Bank Line who as you know have written to the Prime Minister about earlier cases have been extremely cooperative throughout, and have been in almost daily contact with us. They have not yet incurred any significant financial penalties in respect of the Rudd Bank, and the United Nations High Commissioner for Refugees has agreed to meet care and maintenance costs relating to the rescue.

/The vessel



The vessel is, however, due to go on a further time charter out of Japan, which only becomes operational when the refugees have been landed. The boat will therefore be idle at their expense until the refugees have been landed.

We would prefer not to give any publicity to this guarantee, if given, because of the implications for Hong Kong of deducting a significant number from their quota. Many of the refugees appear to have good cases for resettlement in the USA, Canada and France, and the residual obligation may therefore be quite small.

This letter is by way of background for the moment. We will be in touch again when we know the final attitude of the Japanese authorities.

I am sending copies of this letter to John Chilcot (Home Office), Tom Harris (Department of Trade), Martin Vile (Cabinet Office) and Bill Beckett (Law Officers Department).

Yours sincerely,

Miles A. Wickstead

pp S J Gomersall