JAPANESE LAWS AND PRACTICES ON INDO-CHINESE REFUGEES*

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I. Overview

For about thirty years after the World War II Japan had dispensed with the involvement of the refugee problem which was considered substantially a European phenomenon. Even after the collapse of the Saigon regime in 1975 which generated a thousand refugees,[1] Japan had been reluctant to be their new haven. Japanese pretense of this reluctance was, *inter alia*, that it had no room to accommodate them in its small and densely populated islands. While Japan has ever since been contributing yearly over or around $50 million to the United Nations High Commissioner for Refugees (UNHCR) and the governments concerned, [2] it continued at least at the initial stage to refuse admission of the boat people rescued at sea without the guarantee of their eventual acceptance by the flag State of the rescuing ship. It was only natural, however, that Japan had to be exposed to severe criticisms both from abroad and at home against its passive attitude in the face of a growing realization that the problem we were facing was international by nature and that the only feasible way to cope with it was by international cooperation or solidarity based on the spirit of equitable burden-sharing.

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1) On May 12, 1975, less than two weeks after the fall of Saigon, two Vietnamese rescued at sea by a Pakistani ship arrived at Simonoseki, Japan [Tadamasa Fukihara, *Nanmin - Sekai to Nippon* (*The Refugee - The World and Japan*), 1989, pp.19-20].

2) Japan's financial contribution to UNHCR, WFP, ICRC, UNICEF, UNBRO/WFP, the Royal Government of Thailand, the Government of the Philippines and ICM amounts yearly as follows: $89.85 million (1979), $105.76 million (1980), $80.90 million (1981), $66.94 million (1982), $58.91 million (1983), $54.51 million (1984), $48.60 million (1985), $49.28 million (1986), $52.18 million (1987), $49.88 million (1988), $81.92 million (1989), $738.73 million (1990) [Source: Human Rights and Refugees Division, United Nations Bureau, The Ministry of Foreign Affairs, *Indo-Chinese Refugee Problem* (*Statistical Data*), p.18, October 31, 1990 (hereinafter referred to as *Statistical Data*)].

On April 28, 1978, three years after the initial outflow of the refugees, came the shift of the refugee policy of Japan, and a Coordination Council for Indo-Chinese Refugees and Displaced Persons was set up in the Cabinet. For the first time the Japanese Government decided through a Cabinet Understanding to permit the settlement of Vietnamese refugees in Japan and actually accepted but three persons in 1978 and two in 1978.[3] On April 3, 1979, the Japanese Government issued the Cabinet Understanding to the effect that (1) the refugee policy was to extend to cover also Laotian and Cambodian refugees, (2) a settlement quota was set for the time being at 500 persons and (3) resettlement was to be effected from the camps both at home and abroad.[4] On July 13 of the same year another Cabinet Understanding was issued to establish a set of criteria for resettlement of the person who is: (1) The spouse, parent or child of a Japanese national; or a relative of a Japanese national or of an alien who resides lawfully in Japan and is recognized as being capable of living in mutual support (including adopted children), (2) One who has a foster-parent recognized as a person of good character suitable to become a guarantor over a long period of time, (3) One who is healthy and who is to take up employment considered to be sufficient to support himself, as well as his spouse, parent, or child. The criteria were restrictive only enabling to accommodate those who had some connection with Japan. The criteria were somewhat relaxed in 1980 to include persons adaptable to the Japanese society. Also the resettlement quota was consecutively increased up to 1,000 persons in 1980, 5,000 in 1984 and 10,000 in 1985. As of October 31, 1990, Japan has received 14,559 Indo-Chinese refugees/asylum-seekers either for settlement in Japan or temporary refuge for resettlement elsewhere or repatriation, among whom 6,610 moved for resettlement to the United States, Canada, Australia, etc.,[5] 6,946 have been settled in Japan[6] and 987 are still in camps.[7] In the face of the fact that we have 14 million refugees in the world and 200,000 Indo-Chinese refugees still remain in the countries of first asylum mostly in South-East Asia, the number of refugees settled in Japan has been regarded by many as meager and not at all satisfactory, considering especially

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3) Fukihara, *op. cit.*, p.21.

4) *Ibid.*, p.44.

5) United States: 3,933, Norway: 695, Australia: 695, Canada: 669, Belgium: 132, United Kingdom: 112, France: 75, Switzerland: 71, Denmark: 61, Netherlands: 45, West Germany: 34, Others: 88 [*Statistical Data, op. cit.*, p.12].

6) Refugee sur place (former students): 742, ODP: 579, Overseas Camps: 2,869, Domestic Camps (temporary refuge): 2,756. Vietnamese: 4,909, Laotians: 941, Cambodians: 1,096 [*Statistical Data, op. cit.*, p.15].

7) They are residing in 14 facilities operated by various organizations.

that non-Asian countries accepted more Asian refugees.[8)]

Before describing the Japanese laws and practices concerning refugees, it will be of some use to touch upon two modes of accepting Indo-Chinese refugees and asylum-seekers in Japan. The one is the case of "boat people" who are rescued at sea by Japanese or foreign ships bound for Japan.[9)] This also includes a new kind of boat people arriving directly from Indo-China. The other is the case of so-called "land people" who fall again into two categories. First, the refugees living in the camps of the ASEAN countries and Hong Kong would be chosen by the investigation teams sent by the Japanese Government after examining their qualification. Some 2,600 refugees were accepted under this scheme. Second, some people may be accepted to Japan directly from Vietnam under the Orderly Departure Programme (ODP) based on the Memorandum of Understanding concerning Orderly Departure between the Vietnamese Government and UNHCR in 1979. Orderly Departure may be effected only in the humanitarian cases as when other members of a family wishing to join a refugee already residing in Japan. Under the Orderly Departure Programme some 400 refugees have resettled in Japan.

II. Legal Framework

On the early days of reception of the Indo-Chinese refugees/asylum-seekers Japan did not have any relevant laws and regulations directly applicable to them. Therefore, it had to deal with them in the existing framework of the Immigration Control Order (Cabinet Order No. 319 of 1951) then in force. Since this Order looked primarily to ordinary aliens, refugees by nature could not meet its requirements for entry into Japan due to their lack of proper documentation. In order to cope with the pressing situation, the following rather cumbersome expedient was resorted to: An asylum-seeker arriving at a port of entry applies for landing, but the application is rejected on account of his non-conformity with the prescribed conditions. Then he files an objection with the

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8) United States: 755,152, Canada: 132,648, Australia: 127,566, France: 110, 893, West Germany: 24, 020, United Kingdom: 18,492, New Zealand: 9,593, Switzerland: 8,534, Netherlands: 7,249, Norway: 6,942 [*Statistical Data* (as of September 30, 1990), *op. cit.*, p.7].

9) The Japanese legal system was not prepared then to cope with such special case of the Vietnamese boat-people. Up until October, 1977, therefore, those rescued by Japanese ships were given special landing permissions based on Article 12 of the Immigration Control Order and those rescued by foreign ships were given shipwreck landing permission based on Article 18 of the same Order. Since November 1977, however, special landing permissions had been given to the Vietnamese boat-people rescued at sea regardless of the nationality of the rescuing ship [Fukihara, *op. cit.*, p.20]. Since 1975 the boat people rescued at sea have amounted to 12,726 persons in 324 cases, of which those rescued by Japanese vessels were 5,087 persons in 129 cases [*Statistical Data, op. cit.*, p.11].

Minister of Justice. The Minister, using his wide discretion, gives special permission for landing even if he does not find the objection well-founded.

This expedient procedure came to an end after Japan's accession in 1981 to both the 1951 Convention relating the Status of Refugees and 1967 Protocol relating to the Status of Refugees (hereinafter referred to as the Refugee Convention and the Protocol). In place of the former Immigration Control Order came into force a new law renamed the Immigration-Control and Refugee-Recognition Act (Law No.86 of 1981) (hereinafter referred to as the Immigration Act), taking into account of the implementation of the Refugee Convention. The newly added provisions concerning refugees are the articles on the procedures of recognition of refugee status (Articles 61-2-1 through 61-2-8) on the one hand and on the institution of temporary refuge (Article 18-2) on the other. These two sets of provisions will now be briefly explained.[10)]

1) Recognition of Refugee Status

Article 61-2 of the Immigration Act provides:

1. When an alien in Japan submits an application in accordance with the procedures prescribed by the Order of the Ministry of Justice, the Minister of Justice may recognize the person as a refugee (hereinafter referred to as "recognition of refugee Status") based on the material provided by the applicant.
2. The application mentioned in the preceding paragraph shall be submitted within sixty days from the day when the person landed in Japan (or the day when the person became aware while in Japan of the fact that the reasons arose to make him a refugee). However, this shall not apply in case of exceptional circumstances.
3. When the recognition provided for in paragraph 1 was made, the Minister of Justice shall issue a Certificate of Refugee Status to the alien concerned in accordance with the procedures prescribed by the Order of the Ministry of Justice; and when the recognition was not made, the alien concerned shall be so notified with reasons in writing.

Thus, according to the Immigration Act, the Minister of Justice may recognize an alien residing in Japan, whether legally or illegally, as a refugee under the Refugee Convention and the Protocol based on the material provided by the applicant. The burden of proof is on the side of an applicant, who may submit his own statement and any other evidence available to him. But when the proof is not satisfactory for the determination, the Refugee Inquirer will investigate the facts and may ask an applicant to appear before him, ask questions and request presentation of relevant documents and, if necessary, make inquiries to such public offices and public or private organizations as

10) The English version of the cited provisions of the Immigration Act is based on the translation by Susumu Yamagami, "Commentary on Immigration-Control and Refugee-Recognition Act", *Kokusai Jinryu* (*The Immigration Newsmagazine*), No.23 (April, 1989), pp.68-69 & No.37 (June, 1990), pp.65-67, but substantially retranslated by the present writer.

the Ministry of Foreign Affairs, the Police Agency and UNHCR. An application must be filed in principle within 60 days from the date when he enters Japan to seek asylum or from the date when he comes to know, while staying in Japan, the circumstances developed in his home country which may make him unable or unwilling to return owing to the well-founded fear of being persecuted as provided for in Article 1, A (2) of the Refugee Convention. In spite of the wording of the Immigration Act that the Minister of Justice *may* recognize an alien as a refugee, it is understood that the recognition by the Minister is not his discretionary act but incumbent upon him. When recognized, a refugee may obtain upon application the permission of permanent residence. The requirements for permanent residence to a normal alien are that his behavior and conduct is good and that he has sufficient assets or ability to make an independent living (Art.22, para.2). A recognized refugee is, however, exempted from these requirements (Art.61-2-5). When a refugee residing in Japan seeks to depart from Japan, a Refugee Travel document will be issued in accordance with the provisions of Article 28 and the Schedule of the Refugee Convention (Art.61-2-6, para.1). The term of validity of the Travel Document is one year (Art.61-2-6, para.2). In case of the rejection of recognition of refugee status, an applicant may file an objection with the Minister of Justice within seven days from receipt of the notice. To this case, the appeal of dissatisfaction as provided for in the Administrative Objection Examination Act (Law No.160 of 1962) is not applicable (Art.61-2-4). It is of course possible, however, to bring the rejection case to the court under the Administrative Litigation Act. Since the introduction of the refugee status determination procedure in 1981, 868 applications had been filed as of the end of April, 1990, among which 194 gained recognition (22.3%), of which 156 were Indo-Chinese, 493 were rejected (56.9%), 138 were withdrawn (15.9%) and 43 are still pending. As may be noticed, the number of applications for Convention refugee status is rather small, because most of the applicants are from other parts of the world than Indo-China. Indo-Chinese asylum-seekers usually dare not apply for refugee status, for they appear to be satisfied with the status of permanent resident which until recently was given almost automatically, as will be explained later, so long as they wanted to live in Japan. The recognition procedures are conducted by the Refugee Recognition Bureau, an office of the Ministry of Justice. The rejected cases may be appealed to the Minister of Justice. However, the precise process of the refugee status determination both in the first instance and at an appeal level is unknown to the public.

2) The Principle of Non-refoulement

As a State Party to the Refugee Convention, Japan is abide by the principle of

non-refoulement provided for in Article 33 of the Convention. The Immigration Act also provides in Article 53:

1. Any person subject to deportation shall be deported to the country of which he is a national or citizen.
2. If deportation to the country provided for in the preceding paragraph cannot be effected, the subject person shall be deported to any of the following countries according to his desire:
   (1) the country in which he had been residing just prior to his entry into Japan;
   (2) The country in which he has resided once before his entry into Japan;
   .....
   (6) Any country other than those mentioned in the preceding items.
3. Unless the Minister of Justice finds it considerably detrimental to the interests and security of Japan, the countries provided for in the preceding two paragraphs shall not include the territories of countries provided for in Article 33, paragraph 1 of the Refugee Convention.

Paragraph 3 of the above article of the Immigration Act was newly added in order to implement Article 33 of the Refugee Convention. Thus, the principle of non-refoulement is not only guaranteed in the domestic law of Japan but extended as well to any other person subject to deportation than the person recognized as a refugee.

3) Temporary Refuge

A new institution of temporary refuge was introduced in the revised Immigration Act of 1981. Article 18-2 provides:

1. The Immigration Inspector may permit upon application landing for temporary refuge to an alien aboard a vessel, etc., when he deems that:
   (1) the person has entered Japan on the grounds provided for in Article 1, Paragraph A (2) of the Refugee Convention and other equivalent reasons thereto after fleeing from a territory where his life, physical integrity, or physical liberty might be endangered, and
   (2) it is appropriate to allow him temporary landing.
2. In giving the permission provided for in the preceding paragraph, the Immigration Inspector shall issue to the alian concerned a landing permit for temporary refuge.
3. In giving the permission provided for in Paragraph 1, the Immigration Inspector may impose on the alien concerned the restrictions on the period of landing, the place of abode, the area of movement and other conditions which he deems necessary and may have his fingerprints taken, if deemed necessary, in accordance with the provisions of the Order of the Ministry of Justice.

On one hand, the system is to be commended in some respects. It was explained that the purpose of this provision was to authorize an immigration inspector at a port of entry to permit temporary landing to *prima facie* refugees such as Vietnamese boat people in simple procedures, thus avoiding a much criticized situation of refugees in orbit. And, as is noticed from the wording of "other equivarent reasons thereto" in

paragraph 1 of the above article, the criterion of granting temporary refuge is wider than that in Article 1 A (2) of the Refugee Convention, thus enabling, at least in the face of the provision, to extend protection to a wider range of asylum-seekers. On the other hand, however, the institution of temporary refuge is not devoid of some shortcomings, too.

First, while granting of temporary refuge is in the hands of an Immigration Inspector, a government official at a lower rank stationed at the port of entry, it will be beyond his ability to know what the political or other situations in the refugee's country of origin is or what its implication to a particular individual before him is like, etc. Therefore, his negative decision based on uncertain knowledge on the situation both of the asylum-seeker himself and of his home country may work to the detriment of the plight of the asylum-seeker. In the past, however, the application for temporary refuge was automatically brought to the higher authority for decision. Moreover, it had been the practice to permit temporary refuge to Indo-Chinese refugees based solely on the fact that they were from Into-China and those who opted for settlement in Japan were permitted to remain in Japan. But this practice has changed after the initiation of the so-called "screening system" on September 13, 1989 in accordance with the comprehensive Plan of Action agreed upon at the Geneva Conference on Indo-Chinese Refugees in June, 1989.

Second, the institution of temporary refuge does not by nature serve for a solution of the refugee problem, for it allows asylum-seekers to stay in Japan only pending a resettlement opportunity to be offered by a third country. It has become increasingly difficult for them, as is often referred to as "compassion fatigue" on the part of resettlement countries, to find a country of resettlement since those asylum-seekers have in fact received asylum in Japan, and, as is often the case, they have to stay in Japan almost permanently against their will. The problem then is that their legal status during temporary refuge is precarious in various respects. For example, the period of stay is to be fixed within 180 days, although renewable, their place of abode and freedom of movement are restricted and their activities at remuneration are prohibited (Art. 18, para.4 of the Regulation under the Immigration Act). What we face here is no less a human rights problem than a refugee problem. In order to ameliorate the living conditions of the refugees residing in Japan on a temporary basis, it is advisable to regularize their status and to treat them as permanent residents at least after a certain period of time pending resettlement elsewhere.

III. Recent Development

In 1989, unprecedented waves of new arrivals washed the Japanese shores. It was

unprecedented in that asylum-seekers including ones of unknown origin arrived one after another thirty-seven times numbering in total 3,497 in engined boats each loaded up sometimes with more than a hundred people. The number socked the nation because even in the peak years from 1979 to 1982 a little more than a thousand had arrived yearly. It was amid this new situation, that on the initiative of the ASEAN countries the International Conference on Indo-Chinese Refugees was convened in Geneva on 13 and 14 June 1989 and the Declaration and Comprehensive Plan of Action (CPA)[11] was adopted to introduce in the South East Asian region a number of measures destined to facilitate the finding of a solution of the decade-long problem of Indo-Chinese asylum-seekers. The Plan comprises eight items, which are supposed to be comprehensive, but it will suffice here to refer only to a few of them.

First, in order to ensure all those seeking asylum the opportunity to do so, temporary refuge will be given to all asylum-seekers until the status-determination process is completed, UNHCR being given full and early access to new arrivals.

Second, it urges the early establishment of a consistent region-wide refugee status-determination process in accordance with national legislation and internationally accepted practices. Within a prescribed period, it says, the status of the asylum-seeker will be determined by a qualified and competent national authority and UNHCR will participate in the process in an observer and advisory capacity. It further requires that the criteria will be those recognized in the 1951 Refugee Convention, bearing in mind the 1948 Universal Declaration of Human Rights and other relevant international instruments concerning refugees, and will be applied in a humanitarian spirit taking into account the special situation of the asylum-seekers concerned and the need to respect the family unit.

Third, with regard to repatriation, the Plan admits that persons determined not to be refugees should return to their country of origin in accordance with international practices reflecting the responsibilities of States towards their own citizens, but in the first instance, every effort will be made to encourage the voluntary return of such persons. At the same time, the need is stressed that widely publicized assurances by the country of origin that returnees will be allowed to return in conditions of safety and dignity and will not be subject to persecution.

Although it was understood that this Comprehensive Plan of Action reflected on the whole the widely practiced standards on the treatment of refugees, the Plan is at the same time apprehended to be used to the detriment to the plight of refugees. On September 12, 1989 Japanese Government, in implementing the Plan, issued a Cabinet

11) *UN Doc. A/CONF*, 148/2, 26 April 1989.

Understanding to the effect that, first, the repatriation of those who are not permitted landing under temporary refuge provision shall promptly be effected and that, second, the necessary steps shall be taken for the internment and return of the above persons. This is the measure of what they call "screening", meaning the strict sorting-out of *bona fide* refugees and pseudo-refugees. Thus the previous automatic granting of temporary refuge to the Indo-Chinese refugees retreated and the screened-outs are destined to the eventual return to their countries of origin. On the other hand, some 800 Chinese coming mingled with Vietnamese from Fukien were returned to China in agreement with the Chinese Government but not necessarily with their consent. The similar measures of implementation of the CPA are being adopted in most of the South East Asian countries.

IV. Conclusion

From the strict legal point of view, it appears that the Japanese laws and practices concerning refugees generally conform with the rules of international law. It is obvious, however, that the conformity with legal rules alone does not help resolve the refugee problems we are now facing so long as there are some *lacunae* in international law of refugees. For instance, there is no rule of customary international law to require States to grant asylum to refugees. There is no provision in the Refugee Convention to impose the obligation on the States Parties to admit refugees. An attempt in 1977[12] to fill such legal *lacunae* found itself unsuccessful when it was made clear that a majority members of international community were not prepared to be legally obliged to grant asylum to refugees at the expense of their national interests. Even the principle of non-refoulement, which is said to be a rule of customary international law, [13] is subject to the exception in case of the danger of the security of the Contracting Parties to the Convention. Moreover, it is doubtful whether the principle is applicable to the case of the screened-out asylum-seekers.

Having said so, internationally recognized standards concerning refugees are coming into play. As was mentioned earlier, the refugee problem is an international problem which must be solved in the spirit of international solidarity. And, in order

12) A United Nations Conference on Territorial Asylum (*UN Doc. A/CONF.* 78) was held at Geneva from January 10 to February 4, 1977.

13) Several writers cast doubt on the contention that the principle of non-refoulement forms part of customary international law. See, *e.g.*, Atle Grahl-Madsen, *The Status of Refuges in International Law*, Vol.II, 1972, pp.93-98; Kay Heilbronner, "*Nonrefoulement* and 'Humanitarian' refugees: Customary International Law or Wishful Legal Thinking?" in David A. Martin (ed.), *The New Asylum Seekers: Refugee Law in the 1980s*, 1986, pp.123-158.

to realize it, a certain standard of action should prevail even without any legal obligation. The Conclusions of the Executive Committee of the UNHCR Programme and the Comprehensive Plan of Action may be cited as examples of such international standards, universal and regional. But a uniform application of such standards may not always be commended because of the difference in the nature and gravity of the role which a particular country should play in the protection of refugees. For example, the Comprehensive Plan of Action was agreed upon as a common standard in the Asian region. But the problem lies in the fact that the countries in Asia are so diverse in the refugee situation which affects a particular country and the role which they should play in the protection of refugees that a uniform application of the Plan may not always work both for the benefit of refugees and in the interest of the region as a whole. Generally speaking, the common problems of the region would not effectively be handled unless the developed countries are prepared to carry more burden than that carried by the developing countries.

As long as there are refugee-generating countries, there must be refugee-accepting countries. In the long run, it may be the proper course to try to place international responsibility on the refugee-generating States, which is the topic the International Law Association has been dealing with in recent years.[14] And also, it may be necessary to look for measures to remove the root causes of generating refugees. But, what is called for in the immediate future is to look into how and to what extent the countries of the Asian and Pacific region should cooperate in both ameliorating the plight of refugees and extending a helping hand to the countries utterly fatigued with the influx of asylum-seekers. If the countries of the region intend to make a real community, it should be realized that the refugee and related problem is a common problem of the community as a whole, for every individual in the region, regardless of his or her refugee status, is nothing but a member of the community. Academics are of course in the position to cooperate beyond national walls to find out the solution of the problem. But, in the final analysis, it is the political will of the nations of the region to look upon the refugee problem as only feasible for solution not by the consideration of national interest but by the compassionate concern for the plight of fellow members of the community.

As far as Japan is concerned, both the government and people should think of the

14) The International Committee on the Legal Status of Refugees of the International Law Association has been working on the Draft Declaration of Principles of International Law on Compensation to Refugees and Countries of Asylum. See the International Law Association, *Reprort of the Sixty-third Conference held at Warsaw (1988)*, pp.675ff *& the Report of the Committee submitted to the 64th ILA Conference at Queensland (1990).*

real meaning of their determination expressed in the Preamble of the Constitution that we desire to occupy an honored place in an international society striving for . . . . .the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. In an Asian perspective it is the Asian peoples who decide whether the place Japan occupies is an honored one or not. While unfortunately the rich is not always honored for being rich alone, Japan is more often than not expected solely as a source of money. It seems then that an honored place will be earned by some kind of contribution or sacrifice in terms of other than financial support. On the understanding that a voice is heard that the more liberal policy toward asylum-seekers will bring about a pull-effect and does more harm than good, there seems still to remain much room for Japan to do in its asylum policy in particular and alien policy in general.

Some aspects of Japanese laws and practices will finally be pointed out, which need some improvements for the protection of refugees and asylum-seekers:

(1) In order to ensure the procedural safeguard to the applicants for the refugee status,[15] it will be advisable to set up an independent organ or at least a multi-ministrial organ to process refugee status determination with possible participation of a UNHCR representative. In the screening procedure under the Comprehensive Plan of Action the UNHCR is involved, but it is highly problematic to see its tremendously slow process, only one application having been processed (screened out) since the initiation of that procedure on September 13, 1989.

(2) The criteria used for screening the Vietnamese asylum-seekers should be more liberally interpreted and applied so that they include the situation of quasi-persecution caused by a great hardship of economic nature. More lenient policies could be taken within the existing legal framework, for the criteria used in the screening process are those provided for in the Article 18-2 of the Immigration Act which are somewhat wider than the difinition of the rerfugee in the Refugee Convention. At the same time, the conditions required of the refugees in overseas camps who opt for Japan for resettlement should be more liberal[16] and a long waiting time should be much more shortened.

(3) In regard to the treatment of the screened-out asylum-seekers it has been causing

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15) For a procedural aspect of the refugee status determination, see Yoshio Kawashima, "The Minimum Standards in the Recognition of the Refugee Status" (in Japanese), *Handai Hogaku*, No.141-142, 1987, pp.125-152.

16) The Japanese criteria for accepting refugees from overseas camps were sometimes criticized as being too strict. See, *e.g.*, Leonard Davis, "Hong Kong and the Indochinese Refugees" in Supang Chantavanich & E. Bruce Reynolds (ed.), *Indochinese Refugees: Asylum and Resettlement*, 1988, p.150 & Supang Chantavanich, "Japan and Indochinese Refugees" in the same book, p.113.

grave concern to the countries of the Asian region. Although the Comprehensive Plan of Action, while permitting repatriation of those screened out, urges to encourage the voluntary return of such persons, it has been increasingly difficult for most countries of first asylum in the region to keep up with the standard. But since the involuntary return of such persons without full guarantee of the country of origin to allow their return in conditions of safety and dignity involves a more dignified problem of human rights, the country like Japan should proceed to take the necessary measures to reduce the burdens of the countries of first asylum while showing humanitarian considerations to those coming directly to Japan. In any way, it seems necessary to see the problem through a wider perspective as the movement of people in the region.

(4) Finally, Japan should assume the more active role as a guardian for unaccompanied minors[17] and other vulnerable persons such as the aged, disabled and diseased.

17) The number of unaccompanied minors arrived in the Southeast Asian region after cut-off date is estimated at approximately 8,000 [Christine Mougne, "Unaccompanied Minors: A Self-Perpetuating Tragedy" in Luci Standley (ed.), *Back to a Future? Voluntary Repatriation of Indochinese Refugees and Displaced Persons from Thailand*, 1990, p.46.].