

WHEREAS, the CADP, a non-governmental organization affiliated with the Catholic Bishops Conference of the Philippines (CBCP) and registered with the Securities and Exchange Commission, has proposed to continue its assistance to these Vietnamese nationals by providing them, at its own expense, necessary services and facilities, and to undertake the administration and supervision of the PFAC or of any new relocation site;

WHEREAS, the National Government accepts the proposal of the CADP to provide assistance to the remaining Vietnamese nationals.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and subject to the terms and conditions hereinafter set forth, the parties hereby agree as follows:

1. National Policy on the Remaining Vietnamese Nationals

The Government of the Philippines and the CBCP shall continue to pursue the policy of voluntary repatriation for the remaining Vietnamese nationals which shall be implemented with due respect to their human rights in accordance with Philippine and international laws.

This is understood to be without prejudice to other durable solutions that may be adopted.

The status of the ODP cases shall be the subject of negotiations between DFA and the United States Government.

2. Duration and Effectivity of MOU

The effectivity of this MOU shall commence on 1 July 1996 and shall continue to be in force until a more durable solution is adopted addressing the problem on the status and condition of the Vietnamese nationals. During the effectivity of this MOU the parties shall periodically assess the situation of the remaining Vietnamese and shall explore and agree on alternative arrangements towards a final and permanent solution to their status and condition.

3. Administration and Supervision of the PFAC

Pending resolution of the final status of these Vietnamese and their relocation to a new site which must be effected not later than December 31, 1996, the administration and supervision of the PFAC shall be undertaken by the CADP. The CADP shall provide for the care and maintenance of all the Vietnamese nationals under the principle of "progressive self-reliance and self-management" while assuming responsibility for the administrative costs essential for the effective administration of the Vietnamese nationals in the PFAC.

PFAC security shall remain the responsibility of the WESCOM. All PFAC residents shall be subject to camp security regulations.

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The National Government, through the DSWD and WESCOM of the AFP, shall monitor the programs and projects of the CADP. Whenever necessary, the CADP may request for technical assistance.

4. Relocation to a New Site

Within six months from the signing of this MOU, the CADP shall undertake the relocation of the Vietnamese nationals from the PFAC to a new site to be designated by the local Government of Puerto Princesa City or the Province of Palawan under terms and conditions that may be mutually agreed upon by the concerned local government units and CADP or to a new site offered by the Church within Palawan or the Dioceses of the Church throughout the country.

The costs of this relocation, as well as the construction of housing and other infrastructure facilities and the provision of basic services, shall likewise be the responsibility of the CADP. However, the DSWD, the local government units and the WESCOM may extend assistance to the CADP to facilitate said relocation.

During their stay in this new site, all efforts must be employed to make them more productive and self-reliant in consonance with their individual and collective values and aspirations. The CADP, in coordination with the National and Local Government Units and agencies, and Non-Government Organizations shall assist the Vietnamese in gaining access to education and in providing skills training, livelihood projects and other employment opportunities that will help them achieve an acceptable level of productivity and self-reliance.

5. Responsibility for the Restriction and Resettlement of the Vietnamese Nationals

The Office of the President, DSWD, Bureau of Immigration and the CADP shall be collectively responsible in pursuing the policy of voluntary repatriation of these Vietnamese Nationals to Vietnam in coordination with the Government of Vietnam.

The Department of Foreign Affairs (DFA) shall be the lead agency in coordinating with the Government of Vietnam for the voluntary repatriation of the remaining Vietnamese. The DFA shall also remain responsible for coordinating with foreign governments on matters relating to repatriation or resettlement.

The amount to be donated by the UNHCR as a final contribution to the remaining Vietnamese nationals shall be set aside as a repatriation fund to be administered by DSWD for disbursement for activities directly relating to their voluntary repatriation, including any activity and solution pending voluntary repatriation.

6. Absconded Vietnamese

All Vietnamese nationals who do not actually stay and live within the territorial limits of the PFAC or in the new relocation site(s) to be set up shall be advised to return to the PFAC or the new relocation site(s) within a period of four (4) months upon the signing of this MOU, otherwise, they shall be dealt with in accordance with regular immigration laws, rules and regulations.

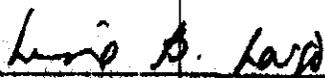
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7. Operational Guidelines

The operational guidelines shall be prepared by the parties not later than thirty (30) days from the signing of this MOU.

IN WITNESS WHEREOF, the parties hereto have signed this Memorandum of Understanding this _____ day of _____ 1996 in the Philippines.


HON. LINA B. LIGAO
Secretary of Department of Social Welfare and Development


SR. PASCALE LE THI TRIU, DC
Director & Program Coordinator of Center for Assistance to Displaced Persons, Inc.

CONFORME

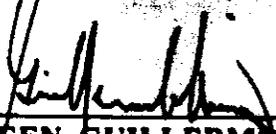

HON. BENJAMIN DE LEON
Undersecretary Presidential Assistant for Social Development Office of the President


BISHOP RAMON
Chairman for the Pastoral Care of Itinerant People/CPI


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Secretary, Department of Foreign Affairs


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HON. RAMON J. LIWAG
OIC Commissioner,
Bureau of Immigration


BISHOP PEDRO D. ARIGO, D.D.
Apostolic Vicar of Palawan

CBCP, EMBASSY COMMISSION FOR THE HUMAN RIGHTS CASE OF VIETNAMESE AND CHINESE PEOPLE

PRESS RELEASE

In the light of articles published in the newspapers, we would like to call your attention to the following chronology of the Church's involvement in the plight of the remaining Vietnamese Asylum seekers in the Philippines (PACAFAC):

The Church's long-standing concern over the plight of Vietnamese refugees has been concrete since 1972 with the assistance given to the families of Filipino Overseas Workers evacuated out of Indochina in May 1972. The Church founded the CACR, the only and largest NGO which steadily assists the refugees in all camps and maintains its advocacy presence today. Through the promotion of refugee participation in the management of their own affairs, the Church provides a wide training and sustains the program of self-reliance and development.

The Church through Archbishop Carmelito V. Quijano, S.J., proposed a "New Camp" proposal which included a number of measures to improve the living conditions of the refugees.

- a. On 1980, the Church proposed a "New Camp" proposal which included a number of measures to improve the living conditions of the refugees.
- b. The Church is providing programs to encourage the voluntary return of refugees home from abroad in a humane manner.
- c. The Philippine Government will seek UNHCR funding until June 30, 1980.
- d. The concept of voluntary repatriation in a voluntary manner be adopted as a policy (Enclosure 5).

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7. Despite the agreement of 13 February 1996, the WESCOM officials forcibly herded a group of 89 Vietnamese asylum seekers to an Air Vietnam plane with Capt. Rex Robles escorting the repatriates. Moreover, the Government troops fired guns and tear gas shells into the air and hosed down a group of about 1,000 Vietnamese who formed a human barricade on the airport runway in an effort to stop the flight.

8. On 20 February 1996, in a meeting with DFA officials, UNHCR representatives, and Sen. Heherson Alvarez, the Church group presented a position paper on the smooth transfer of PFAC to Church-NGO. The Church envisioned the Vietnamese asylum seekers to become a community (instead of a camp) of self-supporting, free individuals who can eventually make a voluntary decision to return home joyfully and with dignity or find another home either in a third country or, as a last resort, in the host country (Enclosure 6).

9. On 26 February 1996, in response to the request of DFA, the Church submitted a plan of action, describing the various phases of the programs for Vietnamese asylum seekers, extending even beyond June 1996 (Enclosure 7).

The UNHCR in the same meeting submitted its proposal for the gradual turn over of the PFAC to the CBCP between March to June 1996 (Enclosure 8). The Church and the UNHCR agreed to study each other's proposal and to meet at a later date to talk about related details.

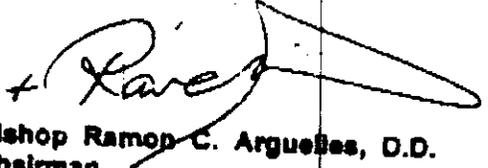
Despite the submission of required concrete programs of action, the DFA ignored this, emphasizing instead the need to come up with a statement that would be acceptable to the other first asylum countries. Hence, a joint Communiqué was formulated (Enclosure 9).

The government and Church's meeting adjourned at 1:00 PM leaving an expectation that future meetings will settle the need for policy modification to address the issue of the asylum seekers' remnants; Ambassador Baja and the Government panel made the Church believe that their sole concern for the moment was to bring a communiqué that would be pleasing to the March 5-6 Geneva meeting with CPA members.

CONCLUSION

The Church has always maintained that voluntary repatriation is important when done in an atmosphere which allows the displaced Vietnamese to make an informed and responsible choice. It is in this context that the Church agreed "to collaborate in persuading Vietnamese asylum seekers to return to Vietnam on condition that basic rights are respected and that the program be implemented in the presence of the Church and NGOs concerned".

The Church maintains that the joint statement does not close the door to other options at the end of the CPA in June 1996. The Church accepts the challenge to assist the remnants and commits itself to do so, not because "it is rich" but because it believes in the Filipinos' innate generosity of spirit and of hospitality, formed by its "rich religious heritage" as the only predominantly Christian country in Asia. The Church firmly believes that it can meet the challenge to realize a self-reliant community in partnership with the asylum seekers, their overseas relatives/compatriots, sympathetic and kindhearted Filipinos.


Bishop Ramon C. Arguelles, D.D.

Chairman

CBCP Episcopal Commission for the Pastoral Care of Migrant and Itinerant People

February 28, 1996