THE CASE OF THE INDIGENOUS KHMER-KROM PEOPLE
Political & Economic Situation in Southeast Asia

Conference Report (November 2018)
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The Unrepresented Nations and Peoples Organisation.

UNPO wishes to extend its thanks to all those who made the conference possible, in particular our co-organisers and co-sponsors.

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2 • **Foreword**

Nowadays, indigenous Khmer-Krom communities suffer under the lack of a fair and uncorrupted judiciary system to deal with land claims but also under the excessive use of force by the authorities particularly towards Theravada Buddhist monks. They are also the victims of a poor implementation of their rights to freedom of religion, expression and self-determination, as well as tactics of coercion based on intimidation, imprisonment without a fair trial and torture.

Taking place on 2 June 2018 at the Palais du Luxembourg in Paris, France, the conference entitled “Political & Economic Situation in Southeast Asia: The Case of the Indigenous Khmer-Krom People” enabled information sharing and wide and open discussion on this topic among supporters of the Khmer-Krom cause. It consisted of two expert panels, the first focussing on the dire human rights situation in the Mekong Delta and Kampuchea-Krom and the second on potential ways forward in order to put the international human rights system to the service of the Khmer-Krom people. The conference gathered members of the Khmer community, scholars, elected officials and members of civil society.

*First and foremost, we have a moral obligation to stop systematic violations of basic human rights – a feat most effectively accomplished by means of cooperation and the exertion of concerted international pressure. After all, blatant violations and repression of freedom of religion, expression and self-determination can and do increase local grievances. But ensuring the respect for the Khmer-Kroms’ dignity and freedom should be in everyone’s interest.*

UNPO is indebted to the speakers, for their inspiring, instructive contributions. The conference is but one part of UNPO’s larger engagement focussing on the plight of the Khmer-Krom. We remain hopeful that the systematic infringement of human rights in Kampuchea Krom can eventually be stopped, and will continue to contribute to this goal.
# Conference Programme

## Political & Economic Situation in Southeast Asia: The Case of the Indigenous Khmer-Krom People

**Saturday, 2 June 2018, 9 am to 5 pm**

**Palais du Luxembourg, Paris, France**

**Moderators**

Mr Vien Thach (Chairman, KKF) & Ms Julie Duval (Programme Officer, UNPO)

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<td>Opening Remarks</td>
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<td>09:30</td>
<td>Introduction: Sharing Experiences About the Khmer-Krom</td>
<td>Dr Philip Taylor  \n<em>Professor and Researcher at the Australian National University</em>  \nMs Roshane Saidnattar  \n<em>Filmmaker</em></td>
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<td>11:00</td>
<td>Panel I: Contemporary Human Rights Abuses in Kampuchea-Krom</td>
<td>Mr Phil Robertson  \n<em>Deputy Director of Human Rights Watch’s Asia Division</em>  \nMr Sereivuth Prak</td>
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Executive President of the KKF

- Mr Daniel Bastard
  *Head of the Asia-Pacific Desk of Reporters Without Borders*

- Ms Tina L. Mufford
  *Associate Director of Research and Policy for the US Commission on International Religious Freedom*

- Ms Laura Harth
  *Representative to the United Nations of the Nonviolent Radical Party, Transnational and Transparty*

12:00 Panel II: Ways Forward: Putting the International Human Rights System to the Service of the Khmer-Krom

- Ms Irène Bellier
  *Anthropologist at the School for Advanced Studies in Social Sciences (EHESS) and Vice President of the International Work Group on Indigenous Peoples (GIPTA)*

- Professor Joshua Cooper
  *Lecturer at the Hawai’i Institute for Human Rights and Program Director at the International Human and Peoples Rights Law Program - INNES Institute Vienna*

- Ms Olivia Geymond
  *Executive Committee Member EU-ASEAN Perspectives Impact Group at IFAIR - Young Initiative on Foreign Affairs and International Relations*

- Mr André Gattolin
  *French Senator*

16:45 Closing Remarks
17:00 End of Conference
4 • Speaker Biographies

• Mr André Gattolin
Senator

After obtaining a PhD in information and communication sciences, Mr Gattolin became the marketing director of French newspaper Libération in 1996. Since 2006, he teaches communication sciences at the New Sorbonne University of Paris. He has been a member of the French Senate since 2011, serving as a vice-chair of the European Affairs Committee since 2014. He was also the Federal Secretary of the Transnational Radical Party.

• Mr Vien Thach
Chairman, Khmers Kampuchea-Krom Federation (KKF)

Mr Thach obtained refugee status in France in 1978. Since then, he dedicated his spare time to the Khmer-Krom Association in France until 1987 when he became the president of the Khmer Kampuchea-Krom Council in Europe. In 1996, the council became the KKF and started advocating at the United Nations in Geneva. In 1998, Mr Thach met with the office of the Special Rapporteur on Freedom of Religion and Belief and since then, he participated in international conferences, the Human Rights Council and organised demonstrations against the persecutions suffered by Theravada Buddhist Khmer-Kroms in Vietnam.

• Mr Kim Thong To
Former Chairman, Khmers Kampuchea-Krom Federation (KKF)

Mr To co-founded the KKF in 1985. Working as an engineer technologist, he dedicated his free time to the KKF. He was the General Secretary of the federation until 2004 before being elected chairman, a position he held until 2012. He still works for the KKF as a Senior Advisor. Before working for the KKF, he was a teacher and researcher in Vietnam.
• **Dr Philip Taylor**  
Professor and Researcher, Australian National University (ANU)

Dr Taylor is an anthropologist based at the ANU in Canberra. His research specialisations include the anthropology of contemporary Vietnam and the lower Mekong, ethnicity, religion, cosmology, environment, development, land conflicts, inequalities and indigenous studies. He has lived and worked in Vietnam and Cambodia for six years and he is fluent in Vietnamese, Khmer and French. He is the author of several books, including “The Khmer Lands of Vietnam: Environment, Cosmology and Sovereignty” (2014). He has held several consultancy, research and teaching positions in Australia and is a fellow of the Academy of Social Sciences of Australia. He teaches and supervises postgraduate students and is currently researching the Third Indochina War in the Mekong delta.

• **Ms Roshane Saidnattar**  
Filmmaker

Ms Saidnattar lived through the Khmer Rouge regime in Cambodia and fled to France, where she studied cinema. She was a journalist and interviewed several Khmer-Krom in Kampuchea-Krom, from which she made four news reports for Radio France Internationale (RFI) and a documentary. She made six documentaries of which the latest won several prizes including the awards for the best documentary film at the Montreal World Film Festival and the best film at the International Historical film festival in Pessac.

• **Mr Phil Robertson**  
Deputy Director of Asia Division, Human Rights Watch (HRW)

Mr Robertson is currently the Deputy Director of HRW’s Asia division. Prior to joining the organisation, he worked for more than a decade on human rights in Southeast Asia. As a program manager of the United Nations Inter-Agency Project on Human Trafficking (UNIAP), he oversaw the successful negotiations of the first regional intergovernmental
agreement on human trafficking in the greater Mekong sub-region. Before that, he led the Mainland Southeast Asia office of the American Federation of Labor and Congress of Industrial Organization’s (AFL-CIO) Solidarity Center, the largest United States-based international worker rights organisation.

**Mr Sereivuth Prak**
Executive President, Khmers Kampuchea-Krom Federation (KKF)

Up to April 2017, Mr Prak served as the Vice President of the KKF, a position he held for 12 years. As such, he was giving updated briefings about human rights violations and religious persecutions in Vietnam to international governments and institutions. He was also employed as the Administrative Aide to Councilwoman Laura Richardson at the City of Long Beach, California from 2003 to 2005. Prior to that, he served as the Acting Director, Deputy Director and a Public Relations Officer for the United Cambodian Community (UCC) from 1998 to 2003. He was also a Staff Assistant to United States Congressman Robert K. Dornan for ten years from 1987 to 1996. He participated in interviews by Radio Free Asia (RFA) and the Voice of America (VOA) which were broadcasted worldwide regarding the situation in the Mekong River Delta.

**Mr Daniel Bastard**
Head of Asia-Pacific Desk, Reporters Without Borders (RSF)

As the head of RSF’s Asia-Pacific desk, Mr Bastard has recently published a special report about the unprecedented crackdown on press freedom in Cambodia and has coordinated advocacy action to support citizen journalists in Vietnam. Before that, he has worked as a freelance journalist for many media outlets such as Le Monde, France Inter, Arte, France Télévision or the US National Public Radio. He spent six years in Beijing, where he worked as a correspondent for RTL.
Ms Tina L. Mufford
Associate Director of Research and Policy, US Commission on International Religious Freedom (USCIRF)

Ms Mufford is an Associate Director of Research and Policy at the USCIRF where she oversees the East Asia-Pacific portfolio and supervises research and policy staff. Prior to this, she served as the deputy director for Asia at the International Republican Institute (IRI), overseeing human rights, freedom and democracy programs. Ms Mufford also spent eight years working in the House of Representatives, managing a portfolio that included international relations, health care, trade, financial services and parliamentary procedure.

Ms Laura Harth
Representative to the United Nations, Nonviolent Radical Party, Transnational and Transparty (NRPTT)

Ms Harth is the representative to the United Nations for the NRPTT. She completed her Masters in International and European Law at Ghent University, the European Masters in Human Rights and Democratisation at the European Inter-University Centre for Human Rights and Democratisation, as well as the Masters of Research in Political Sciences at Exeter University. She has previously worked as a parliamentary assistant at the Flemish Parliament and as the Legal Director of Patronale Life NV.

Prof Joshua Cooper
Lecturer, Hawai‘i Institute for Human Rights
Program Director, International Human & Peoples Rights Law Program
- INNES Institute Vienna

Professor Cooper teaches advocacy at the International Training Center on Teaching Peace and Human Rights in Geneva, Switzerland as well as the University of New South Wales Diplomacy Training Program in the Asia-Pacific region and the Oxford University Training
Program for Unrepresented Diplomats at the United Nations. He is the assistant to the United Nations Permanent Forum on Indigenous Issues Rapporteur and has assisted the Khmer-Krom for over a decade at the UN and the Association of Southeast Asian Nations processes for peace, justice and indigenous rights.

**Ms Irène Bellier**  
Anthropologist, National Center for Scientific Research (CNRS), School for Advanced Studies in Social Sciences (EHESS)  
Vice President, International Working Group for Indigenous Peoples (GIIP)

Ms Bellier graduated from Sciences Po Paris, completed a PhD in Ethnology and Social Anthropology at the EHESS and has been the Vice-Chairperson of the GEMDEV (2002-2012), an international network for research on globalisation. She worked on gender issues in Amerindian society in the Amazon, on anthropology of institutions, cultural diversity in European high-level public administration and European minority policies. She coordinated a EU-funded research project on Scales of governance and Indigenous Peoples (www.sogip.ehess.fr) and published extensively on the international movements of indigenous peoples that she follows through the study of the United Nations’ structures in charge of indigenous issues, to which thousands of indigenous representatives from the whole world contribute.

**Ms Olivia Geymond**  
Executive Committee Member, EU-ASEAN Perspectives Impact Group, IFAIR

Ms Geymond is a policy research and evaluation professional, currently working as a Research Manager at Ecorys in London. She also co-runs the European Union (EU)-Association of Southeast Asian Nations (ASEAN) Perspectives Impact group of the Young Initiative on Foreign Affairs and International Relations (IFAIR), a think tank voicing youth perspectives on international relations. In particular, she is currently developing the next edition of the ‘EU-ASEAN Perspectives Dialogue’, addressing the integration of ethnic and religious minorities in the EU and ASEAN.
5 • Opening Remarks

Speech by Mr Vien Thach

Honorable Sénateur André Gattolin, vénérables Moines, chères et chers Intervenants et chères Mesdames et chers Messieurs, permettez-moi tout d’abord de présenter mes vifs remerciements à Monsieur le Sénateur André Gattolin pour son généreux soutien à la Fédération des Khmers du Kampuchea Krom (FKK) en nous allouant cette somptueuse salle Clémenceau pour organiser la présente prestigieuse Conférence Internationale co-organisée avec l’UNPO (Unrepresented Nations and Peoples Organization) sous son étroite collaboration.

Ensuite, je me permets de présenter mes hommages et mes remerciements à nos respectueux Bonzes, à nos Compatriotes et Amis venant de l’Amérique du Nord, d’Australie, du Cambodge et des quatre coins de l’Europe pour soutenir cette conférence. Par ailleurs, je me permets aussi de remercier et d’apprécier le soutien de tous nos intervenants et nos collaborateurs de l’UNPO et des services du Sénat pour l’organisation de cet événement.


Aujourd’hui c’est une journée historique pour la KKF car nous avions la chance pour la première fois de nous réunir en conférence dans une place prestigieuse qu’est le Sénat de France, pays « Mère des Droits de l’Homme » avec de nombreux intervenants spécialistes des droits humains internationaux dont ceux du Peuple Autochtone Khmer-Krom pour renforcer notre lutte à la réussite.

Au nom de la FKK, je renouvelle mes sincères remerciements au Sénateur André Gattolin et déclare la conférence ouverte sous ses auspices.
Speech by Mr André Gattolin

Good morning everyone, Mr Chairman of the Kampuchea-Krom Federation, Dear Vien, Ladies and gentlemen. I am happy to have been given the opportunity to organize this conference with our dear friends at the Unrepresented Nations and Peoples Organization, which supports today more than 40 indigenous peoples and minorities worldwide, in the struggle to defend their political, social and cultural rights and to promote their right to self-determination.

Many of these peoples, indeed, are only asking to be granted autonomy and recognition of their cultural and ethnic heritage, and not necessarily a secession from the States they live in.

The issues related to indigenous peoples and ancestral lands are present all across the world – even in the European Union, for example with the Sami people in Northern Europe, who have problem of recognition and rights. So it’s not only a question faced by Asian African or South American countries, it is a global question in terms of human rights also concern the world’s most advanced democracies.

Today’s world is facing extreme societal and environmental challenges and, in the West, we are slowly starting to realize the importance of their traditional knowledge about the balance between human presence and fragile ecosystems, for example in Canada.

Their practical and first-hand knowledge, transmitted across many generations, can enhance our understanding of climate change, through continued attention to apparently minor changes in an environment that your kind of people they know very well.

We will talk today about the specific case of the Khmer Krom people, one of the most important ethnic groups that exist in Vietnam, who live in the Mekong Delta. In the first panel, we will analyse the discriminations they are subject to.

In the second one, we will examine how the international community can mobilize itself in favour of the Khmer Krom people in their quest for greater recognition of their rights.

And beyond that, I think we must also support their right to a sustainable economic development, to go beyond a restrictive interpretation of “indigenous rights” that
westerners sometimes would like to impose – to confine them to the past.

Local people have the right not to live in poverty but also having a role in the economic development.

Let me now give the floor to all of our excellent panel of speakers, who will shed a light on a little-known, but very important, struggle for fundamental human rights. The lands of the Khmer Krom people may be far away from here, but their desire to live freely in peace and prosperity is no different than our own.

Thank you.

Speech by Mr Kim Thong To

Good morning distinguished guests, speakers, ladies and gentlemen. My name is Mr Kim Thong To. I am currently the senior advisor for the KKF. I also, as Julie said, had the privilege to serve this organisation previously for two terms as Chairman, from 2004 to 2012.

Today is truly a historic day for the Khmer Krom people. We have been given the privilege of holding this conference in the magnificent Luxembourg Palace, an excellent example of the French classical architecture of the 17th century. On behalf of the KKF I would like to thank everyone, here and at home, who helped in many ways to make this conference possible. First and foremost, I would like to extend my gratitude to the honourable Senator André Gattolin.

The KKF is a non-profit organisation based in the USA; it has been in existence for over 30 years now – maybe older than some of you here. I have been fortunate and proud to be part of this strong and dynamic organisation since day one. The missions of the KKF is, through the use of peaceful means and a respect of international law, to seek freedom, justice, and the rights to self-determination for the indigenous Khmer-Krom people who are living under the oppressions of the Vietnamese government.

The first major event that brought the KKF’s name to the attention of the international media was in 1999, when hundreds of Khmer Krom people living abroad took part in a peaceful demonstration in Oakland, New Zealand. Some of those who took part
are here, including our President Sereivuth Prak, who led the demonstration. This was the first time the name KKF appeared in international press. It is worth remembering at that time, when a journalist asked the Vietnamese delegation for a comment, they stated there were no Khmer Krom living in Vietnam.

There was also the first contact – that was our first contact with now dear friends and representatives at the Unrepresented Nations and Peoples Organisation. Madame Helen Corbett was the General Secretary at the time; she came to visit the KKF chapter in Australia. In 2001, we became a full-fledged UNPO member.

Since then we – UNPO and KKF – have worked very closely together; in 2006, the KKF in collaboration with UNPO and the Hawai’ian Institute for Human Rights (whose director Professor Joshua Cooper is here today) organised a symposium in The Hague, The Netherlands. It was on the right to self-determination in international law and the keynote speakers at the time included H.E. Judge Abdul G. Koroma of the International Court of Justice (ICJ); he explained the international law concerning the right to self-determination.

Today, KKF and UNPO have worked together once again to organise this conference, and we are fortunate to have the honourable Senator André Gattolin to host us in this prestigious place.

This conference is about the political and economic situation in South East Asia, with an emphasis on the case of the indigenous Khmer-Krom people. As you see on the agenda, this conference covers a wide range of interesting topics to be presented by the panellists, who are professors, politicians, reporters and activists. They are experts in human rights, international law and the history of Kampuchea Krom. In addition, there are many people here who have been struggling to save their culture in their ancestral land of Kampuchha Krom. Therefore, I am sure we will have a productive day of sharing knowledge and hearing stimulating discussions from which we will benefit. Thank you very much.
Speech by Ms Fanny Delemier

Joohm ree-up soo-a (greetings) Honourable Host, Speakers and Guests. On behalf of the Unrepresented Nations and Peoples Organization, UNPO, I would first like to thank French Senator André Gattolin for hosting this important conference, an event on which his office, the Khmers Kampuchea-Krom Federation and the UNPO have closely collaborated for several months. I would also like to thank our guests for their interest in the Khmer-Krom people, represented here by the KKF, a Member of UNPO since 2001. As a tireless defender of human rights, indigenous and minority peoples, UNPO advocates for the use of non-violent methods to counter the oppression faced by the Khmer-Krom people.

Now as a part of the UNPO team, I also wish to share my personal experience of working with and for the Khmer-Krom over the past months. When I arrived at UNPO, I had no knowledge of the case. Therefore, in order to understand it, I had to look into the history of this people and the series of events that brought this marginalised indigenous population of the Mekong Delta to ask for recognition and self-determination. In order to understand this UNPO Member, I researched the topics of the Khmer empire, of the Dai Viet’s annexation and of French Cochinchina in order to finally get to the current situation of Kampuchea-Krom.

In the course of this journey through time, I have been particularly struck by the assimilation policies put in place by Vietnam in view of forcibly integrating Khmer-Krom communities while denying them their right to see their culture protected and promoted. During my research I found that one of the big phases of assimilation led by Vietnam implied the transformation of Khmer names into Vietnamese ones. As I was reading these words, I got a full sense of the symbolic violence which the Khmer-Krom community is facing.

Our own names are the designations we use to introduce

“Naming a child is the first act of recognition and identity, both on an individual and on a cultural and social
ourselves, to represent and differentiate ourselves. It is the referential genesis, the way an individual designates itself as unique and particular. The name individualises but also carries a history, it is our parents' first legacy, it carries the history of our families, our ancestors. The name is a choice and it represents a person in all of their complexity: individual, as well as inherited from their history, their own culture. It carries a variety of representations, of symbols and messages that are unique to a culture. Therefore, naming a child is the first act of recognition and identity, both on an individual and on a cultural and social level.

How violent to force peoples to change their names. As I was trying to imagine what changing my name would mean to me, trying to imagine what it would make me feel, I found in myself the reason, emotion, ambition and motivation to fully invest myself in working for the Khmer-Krom.

I join my voice to that of UNPO's in saying that we are proud to have the Khmer-Krom as Members of our organisation. The case of the Khmer-Krom is one that helps us remember why we do what we do, and who we do it for, because of the seriousness of the human rights violations. It is with the conviction that this can be changed that UNPO has worked to give a platform, today in this prestigious institution, to the Khmer-Krom history and struggle. We hope today's conference will be an occasion for both Speakers and Guests to raise and discuss the numerous challenges facing the community, but also to bring forward some perspectives of positive change and opportunities for the future.
On behalf of UNPO, I wish to reaffirm the organisation’s strong commitment to providing support and advocating for the Khmer-Krom people, so that violations of fundamental rights slowly leave space for more cultural and religious freedom, socio-economic equality and political participation.

Thank you, Orkun Cheraown (thank you so much).

6 • Introduction

Speech by Dr Philip Taylor

Thank you very much. I’d like to thank the Khmer Krom Federation members, Senator Gattolin, the conference organisers and audience members for this opportunity to address you all today.

I am an anthropologist working in Australia and for the past twenty years I’ve been researching the situation of the Khmer Krom, mostly in Vietnam. I’ve had the chance to visit most of the more than 500 Khmer Krom villages and temples in the Mekong Delta. I’ve met many Khmer Krom, men and women, young and old; taken in everyday activities, religious ceremonies and have listened to many interesting stories about the origins and history of the Khmer Krom people.

Today I would like to share with you some of my research findings. I’m aware that many of you here today will have more knowledge on the topics I speak of than me. But what I share here is my own research-based experience, and I hope it will contribute something to the exchanges we will have at the conference here today.

The first issue is ecology and understanding the Khmer-Krom’s situation in place. The Khmer Krom originate and live in the Mekong Delta of what is today Vietnamese territory; we can consider them the indigenous people of the Mekong Delta. They share the delta with other indigenous groups: the Cham, a Chinese and ethnic Vietnamese people who, unlike the Khmer, consider themselves as relatively new migrants to the area. The Mekong Delta is a unique environment: it is very flat, with a lot
of it is beneath sea level. Historically a
lot of it was swampland, very bad
acidic land; it is surrounded on two
sides by the sea and to the west,
towards the contemporary border
with Cambodia, it is subject to severe
floods which come into most of the
delta, lasting several months to a
depth of five metres or so.

It is a very difficult place to live in.
The Khmer people who live there have
had to adapt to these difficult environ-
mental conditions in order to survive.
Among their adaptations is growing rice
on the vast floodplain of the Mekong
Delta; on the coast around the region
of Châu Thành, they practice fishing;
they use rivers for transport, fishing
and religious purposes. Khmer in the
swamp areas collect rushes, fish and
other natural species of the swamplands;
and in the mountains they hunt and collect forest products.
For a long time, these difficult
conditions meant there was little
competition for the delta, which was
considered by many powers and
economic interests as a marginal area.

But the people of the Mekong Delta
were never remote: more than 2,000
years ago this was the centre of the
kingdom of Funan, a maritime
kingdom heavily influenced by Hindu
culture and which is considered the
first major state in South-East Asia.
The people living in the Mekong were
exposed to Buddhism from very early
on; today, Buddhism is central to
Khmer life and culture, and the temple
is a multifunctional institution at the
centre of the Khmer village, with
monks being among the most highly
esteemed members of Khmer society.

The predecessors of the Khmer
Krom next came under the influence
and political control of the Khmer
empire based in Angkor, several
hundred kilometres to the west in
what is now Cambodia. As a result of
their connections to the great centres
of Khmer power, the Khmer Krom are
culturally Khmers: speaking the same
language and using the same script as
Khmer people in Cambodia. However,
they have many distinct, local
characteristics, beliefs and stories that
are not known in Cambodia any more
than they are in Vietnam. Through
their stories and beliefs, the Khmer
Krom are custodians of a unique store
of indigenous knowledge about the
Mekong Delta. To be Khmer Krom
today is to have a powerful sense of
belonging to that place.

I would like to say a little bit about
the history of military and political
contestation in the theatre of the
Mekong Delta. Historically the Khmer
Krom homeland has been the centre of very intense political and military competition. More than one thousand years ago, in the time of Angkor, the Mekong Delta was situated between the warring kingdoms of Angkor and Champa; armies and navies from these two great south-east Asian powers repeatedly crossed the Mekong Delta on the way to attack their enemies. This was a battleground. Around 300 years ago, two new powers expanded their influence into the region of the Mekong Delta: these were the predecessor of today’s Vietnam and Thailand. They both fought for influence in the Mekong Delta and both claimed large parts of what was formerly the kingdom of Cambodia. Their armies fought several times in the Mekong Delta on Khmer Krom lands.

Furthermore, being open to the sea and open to the waterways, the Mekong Delta also attracted many adventurers, warlords, refugees and pirates – most notably from southern China but also Malaysia. In other words, the Mekong Delta was a major battleground where regional powers repeatedly fought for influence. Archaeologists have concluded that these wars more likely destroyed a lot of the heritage created by the Khmer-Kroms over the course of their hundreds of years living there. The Khmer people themselves were conscripted for military purposes, for construction work – and as Vietnam expanded into the Mekong Delta, the area was implanted with Vietnamese military colonies.

In the 19th century the Mekong Delta was annexed by France, who governed the regions it colonised by dividing them into five separate administrative entities: Cambodia, Laos, North and South Vietnam were administered as protectorates and so whose traditional monarchy system was preserved; Cochinchina known to the Khmers as Kampuchea Krom and to the Vietnamese as Nam Kỳ, was governed directly as a French colony.; it was developed as a site for producing commodities for export and, to exploit the land, the French promoted Vietnamese migration into the Mekong Delta to open the land to work.

At the end of French colonisation, the decolonisation wars were very bitter and lasted for many decades. Major world powers, France and the USA, fought intense battles with a large number of local Indochinese groups. Each of these local groups had different aspirations for
independence and they frequently fought with each other as intensely as they did with the Western powers. Some of the most intense battles and bombing campaigns of the Vietnam wars took place in the traditional homelands of indigenous minority groups such as the Khmer Krom.

As soon as these wars were finished, the newly independent socialist nations of Vietnam, Democratic Kampuchea and the People’s Republic of China fought each other in wars that lasted for just over ten years. As a result, all the Khmer Krom living on the border between Vietnam and Cambodia were severely impacted; they were uprooted and, as a result of those wars, remain marginalised to this day.

Since the early 1980s the Mekong Delta has been fully incorporated as part of socialist Vietnam. The fighting is over and today no national government, to my knowledge, contests Vietnam’s jurisdiction over the Mekong Delta. Today, the delta is being drawn into intense economic exchanges with the rest of the world. The homelands of the Khmer people are finally at peace; but as a consequence of this economic opening the Khmer Krom are facing new challenges. I want to mention three.

The first is market-induced agrarian impoverishment: poverty caused by market economics. Since Vietnam embraced the market economy thirty years ago, the Mekong Delta has become the world’s leading exporter of rice, and Khmer Krom farmers can take credit for much of this production. However, growing rice for the export market is extremely difficult: it has made a few traders very rich, but has made most of the Khmer Krom poor. Most Khmer Krom farmers cannot make a profit from commercial rice farming. It is so easy to fall into debt and, once in debt, they are forced to sell their land to pay it their bills. Now with no land, they hope to work for wages for other farms; but because of the mechanisation of agriculture, there is little paid manual work available in their local area. And so facing severe unemployment, the Khmer Krom are forced to leave their ancestral homelands and search for work elsewhere.

The second problem is environmental destruction and subsistence crisis. The exploitation of the Mekong Delta for commercial export agriculture also has badly damaged its natural environment. The
biodiversity of the Mekong Delta has been all but destroyed: all the small plants, animals, fish, shellfish, small creatures that the Khmer people used to rely on to get by day-by-day have been killed off by the overuse of pesticides for intensive rice farming. The floodplain of the Mekong has been engineered to the point it no longer floods, and therefore no longer does the delta receive any natural fertilisation. Dams along the Mekong River in China and Laos are restricting the flow of freshwater; meanwhile, sea levels rise caused by global warming is pushing saltwater into the Mekong Delta. Therefore, the Khmer-Krom face an environmental catastrophe not of their own making; it threatens even the possibility of life for the Khmer Krom in their traditional homelands.

The third problem I want to talk about is that of rural exodus, or forced migration. As a result of these economic and environmental changes, Khmer Krom people have been leaving their home villages and migrating to the city since about 2005. They go to the area around Ho Chi Minh City, around Preinokor, the provinces were many foreign factories operate; and in consequence, all the Khmer Krom villages in the Mekong Delta are empty of people of working age (17-50). It is very hard to find people of that age in any village in the Mekong Delta; it is quite remarkable. Only the very old and very young are left.

Meanwhile, the Khmer lands are overwhelmed by the immigration of Vietnamese state institutions, migrants and cultural standards. There has been a churning of the population. Vietnamese is the main language spoken in the Mekong Delta now; it is the only language used for educational purposes, government and in the business field. As a result, the Khmer language and culture have lost their prestige in many areas; young Khmer-Krom people are turning their backs on their own culture. It means that Khmer society is dispersed; the culture and the religion lack vitality and, in many localities, Khmer people have only a weak presence and not a very strong voice in local society.

The Vietnamese government has so far found no successful method for helping the Khmer retain their communities, their language, their culture and their cultural memory. I’ve come to realise one of the major worries of the older Khmer Krom generation is this loss of culture. They worry that the younger generation,
who are exposed to all sorts of new influences, will still remember their roots, who they are, know their language or understand their traditions.

I’m very interested to learn about the Khmer Krom capacity to deal with these challenges and deal with change. In my own research I came to the view that, based on historical and current ethnological circumstances, the Khmer Krom people can cope with complexity, can cope with change and choice. The Khmer culture in the Mekong Delta is in fact adaptable and dynamic. I saw this in many localities; for example, in the Khmer province of Trapeang – otherwise known as Tra Vinh – the Khmer Krom live in a very harsh and remote locale. But there they have developed their knowledge of Buddhism and Khmer literacy to a very high level; through sacrifice and struggle they have developed these qualities and make Trapeang recognised around the Khmer-speaking world as one of the centres of Khmer culture.

Just across the river in Khlean, or Soc Trang, the Khmers have shown an ability to learn multiple languages – Teochew Chinese language, the Vietnamese language – and to take part in economic and cultural exchanges with a wide range of different people. That is the context of that region and the Khmer Krom have adapted to that.

In the area of Mort Chrouk, or in the Chau Doc province of Vietnam, Khmers have developed many unique cultural techniques such as terrace rice farming, harvesting and an indigenous form of transport.

In Kramouon Sor (Rach Gia in Vietnamese) the Khmers have learnt to live on the rivers. They have become very good at fishing and have developed a whole culture and mythology around boats.

Khmers were able to adapt to the conditions and opportunities in many localities; in each place they settled, they evolved slightly different characteristics, orientations and capacities. They changed; they supplemented; but they still remained Khmer. So I take this as a lesson that the Khmer Krom are very good at adapting to different circumstances and new situations. They can adjust to local conditions; to new historical developments; and learn to interact with different peoples. They can adapt to the new, remaining Khmer. That is really the main finding of my research on the Khmer Krom as presented in my book. Kampuchea Krom actually
contains a very diverse and rich storehouse of local cultural lessons, resources and memories as a result of this adaptation. It is a place of rich cultural diversity.

I came away from my research believing that anyone who is interested Khmer culture should do more to study the Khmer Krom and their culture and learn from Khmer Krom people, rather than thinking that Cambodia is all there is. The Khmer Krom might actually be able to teach the Khmers in Cambodia something about being Khmer.

Speech by Ms Roshane Saidnattar

Venerables, Mr. Senator, Mr. President, ladies and gentlemen, I am happy to be with you today to share my personal experience of the Khmer Krom people. Several years ago, in my job as a journalist and filmmaker, I was in the mountains of northern Vietnam to shoot a documentary film about ethnic minorities. When the shooting was done, my team and I decided to go to southern Vietnam, to the Mekong delta just for a short visit before going to Cambodia.

To my great surprise, what I discovered there, was the traditional Cambodia of yesteryear with its pagodas, its sugar palm trees, the typical Khmer faces of the people, and the monks in their saffron robes. The inhabitants did wear kramas – the traditional Cambodian scarf – but they wore them hidden under Vietnamese conical hats. They did smile by under their smile was immense fear and sadness.

I felt there was something serious hidden, that I wanted to understand. Finally, I stayed there longer, changing places every day and pretending to be a Vietnamese living in France, to justify why I did not speak Vietnamese very well. In the first village I visited, as soon as the inhabitants realized that I was a Khmer like them, and I came
from abroad to visit them, they started to cry. I cried with them, just like if I had found family members not seen for decades.

After this highly emotional beginning, we started to talk. I asked them if first of all the Khmer people living there could speak the Khmer language. A peasant replied: “Oh, yes we all speak Khmer here. But our level is weak because we learn it secretly in the pagodas, which lack everything: there are no books, no real teachers, not enough time. The only way you can learn Khmer is to pretend to be a Buddhist monk, which is something women cannot do.”

I tried to speak to his wife, who was hidden behind him. She answered: “I am afraid of talking, forgive me! The Vietnamese forbid us to speak our language because to speak Khmer means that our brains work in Khmer. We must have a Vietnamese brain only, otherwise they arrest us and send us to jail. They even change our Cambodian names into Vietnamese names. But I assure you, I’m a real Cambodia, a Khmer. Only I do not dare use that language for more than a few words. I’m scared, I’m very scared.” Then she turned her head away to cry.

In the following days I came to the Luong Bassac Baychhav pagoda, built more than five centuries ago. The venerable chief monk who introduced me to the pagoda was seventy-two (72) years old. He told me that there are five hundred and sixty-three (563) Buddhist pagodas in Kampuchea Krom. To be a Buddhist monk is to risk one’s freedom and sometimes one’s life: because defending the Khmer identity means resisting the Vietnamese authorities, monks are the first targets for arrest. If the Vietnamese authorities have the slightest doubt about their teaching, they are defrocked, arrested, sent to prison, beaten and deprived of food. Only the efforts of compatriots from abroad and the interventions of international NGOs can sometimes free some of them.

The arrests of monks by Vietnamese authorities have become part of daily routine, something normal and official in the country. In addition to this suffering as an oppressed minority, the Khmer Krom are also subject to retaliation from their Vietnamese neighbours every time something happens inside Cambodia that the Vietnamese disagree with.

Later I met a group of artists. Their leader tried to tell me about his difficulties and the daily struggle to
keep his modest group in existence. He was afraid to speak with me because the Vietnamese authorities could seize any reason to accuse him and ban his group. In the past, several people who tried to teach Cambodian traditional dances had lost their life and students were forbidden to practice it. Still, he opened up and brought a few artists to me; they showed me what they could do, so that I could film and record them. Indeed, they put on an impressive show, as great as if the royal family was there. They were immensely proud and happy that someone would come and care about their work, for which they risk their lives daily.

The leader whispered to me very low that if one day he had to make a choice between his life and Khmer culture, he would choose to lose his life, as he would never accept to stop keeping the Khmer culture alive. He said the Khmer language I heard him speaking, the monks’ prayer I heard in the pagodas, the classical ballet I saw, all this exists only because there are survivors who keep on fighting to be able to practice them. These people have experienced prison several times, multiple tortures and even escaped death. I asked many times if, living in this constant hardship with daily threats and no freedom, they would not want to run away and live in Cambodia.

Their reply was “But here, where we live, is really Cambodia, it is the land inherited from our ancestors. It is the Vietnamese who are not at home and came to occupy what did not belong to them”. They said their dream is that the two Cambodian peoples – those from the Mekong delta and those from Cambodia – would understand they are the same people from the same Khmer nation, and unite again. When they hear about political conflicts in Phnom Penh, they get very sad and lose hope that unity can ever happen since even the Khmers inside Cambodia are not united.

As short as my testimony is, it shows the existence of the Khmer cultural features:

• Language, one of the oldest in the world;
• Art: with numerous styles, as bassak opera, yiké sung theatre and
classical ballet which was classified in UNESCO’s Heritage of Humanity

- Traditional celebrations: the new year, Bonn Pchumben with offerings to the dead spirits; and Bonn om Touk, the pirogue festival to thank the gods for providing water
- Costumes, ethics, etc.

These traits are inherited from the Khmer civilisation which started more than two thousand (2,000) years ago; after the Funan and Chenla period, it would become the Khmer Empire. It spread over a large territory in south-east Asia – twice the size of France. This civilisation is still alive today, but it is in mortal danger, particularly in the Mekong delta.

It is Paul Valéry who said “Nous autres, civilisations, nous savons maintenant que nous sommes mortelles [...] Et nous voyons maintenant que l’abîme de l’histoire est assez grand pour tout le monde” (“We civilisations now know we are mortal [...] And we see now that the abyss of history is big enough for everyone”). The authorities who attempt to destroy a people’s identity and civilization must realise they are defeating the very ideas of identity and civilization, thus undermining their own identity and civilisation!

Many thanks for your attention.

7 • Panel I: Contemporary Human Rights Abuses in Kampuchea-Krom

Speech by Mr Phil Robertson

First of all, let me thank the organizers of this important conference for inviting me today, and for all their hard work in bringing us all together to discuss this extremely important situation. Human Rights Watch is proud that we have been able to work closely with the Khmer Kampuchea-Krom Federation to do research on the ground, and advocacy in the halls of the UN, and we look forward to continuing our work with you.

Let me also extend my thanks to Senator André Gattolin and his colleagues, for their interest and initiative on this important cause. And
of course, let me thank the UNPO that does so much for Khmer Krom, and for many other peoples around the world whose rights are trampled and whose identities are ignored. I’m looking forward to reading the new UNPO report on the Khmer Krom that I’ve received today, and I am sure will be very good and comprehensive.

Today, the reality is the plight of the Khmer Krom people in both Vietnam and Cambodia has been continually ignored or forgotten by the international community.

As I was preparing my remarks, I returned to Human Rights Watch’s report we released in 2009 called On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta. Many of you in the room contributed to that report, and we are still in your debt for your assistance to our research. What stunned and saddened me is how many of that report’s findings are still relevant today, almost ten years after it was first published. There has still been far too little progress. So I think it’s very important that we are meeting here today to discuss what we can do to help the Khmer Krom people realize their human rights, and ensure that their communities, their society, and their culture thrive.

I’ve been asked to speak about Franklin Delano Roosevelt’s four freedoms which he articulated in his 1941 State of the Union address: freedom of speech, freedom of worship, freedom from want, and freedom of fear. These are the four freedoms that FDR said people “everywhere in the world” should enjoy. That speech was an aspirational high-point in a very dark time, as World War II raged around the globe, and like FDR, we should continue to aspire to these ideals of a better planet for all people of the world.

This is an entirely appropriate framework for the discussion because we can see the origins of the modern human rights movement in that speech. Of course, the really hard work was done by his wife, Eleanor Roosevelt and the working group she led, who drafted what ultimately became the Universal Declaration of Human Rights in 1948.

So, let’s look at each of these “Four Freedoms.” Regarding freedom of speech, this touches on the discrimination the Khmer Krom face in the education system. It also encompasses the difficulties Khmer Krom encounter from the Vietnam government in their day to day existence as Khmer speakers in
Vietnam. Freedom of speech also encompasses the denial of their civil and political rights, such as

- freedom of expression in both day to day life in their communities, and online;
- restrictions on freedom of association;
- and crackdowns by Vietnam police and authorities that happens every time Khmer Krom monks or people try to assert their right to peaceful public assembly in Vietnam.

The Vietnamese government acts this way despite ratifying the United Nations’ International Covenant on Civil and Political Rights. The leaders in Hanoi have been routinely violating their commitments under this important human rights treaty every day since they ratified it, offering only the pathetic excuse that they are acting according to “Vietnamese law.”

It’s ridiculous and shameful that Hanoi refuses to recognize that their national law does not trump the legal obligations under international human rights law that Vietnam has voluntarily undertaken. They must conform their law to the Covenant on Civil and Political Rights, not the other way around.

The second Fundamental Freedom is freedom of worship. This is very important and straightforward for the Khmer Krom. The Theravada Buddhist religion, monks and temples play a central role in day to day Khmer-Krom community life. The restrictions placed by the Vietnam state clearly violate freedom of religion. These restrictions on religion hurt the community, and only serve to benefit the paranoid and power-hungry Vietnam government, enabling officials and police to interfere in decisions on the operation of temples that are none of their business.

The Khmer Krom people should be allowed to organize and practice their religion without interference by the state. But of course, as we all know, that’s not the case – even with the so-called ‘reforms’ in the law on religions that have just come into legal effect in Vietnam. There are hardly ‘reforms’, it’s just more re-packaging of Vietnam’s authoritarian control over religion.

The third of Roosevelt’s Fundamental Freedoms - freedom from want -- encompasses so many things involved in the improvement of the human condition. The whole field of international economic development is part of this, but that’s too much to discuss today. But ‘freedom
from want’ is impacted by the violation of many other rights.

Let’s look at the example of the right to education in one’s own language. Khmer language education outside a few temples still is not permitted by the Vietnam government and those few schools where it is permitted are closely scrutinized. Without education, how can the young people have a bright future, a good job, a promising career? By forcing Khmer Krom to learn only in Vietnamese language schools, the Vietnamese government forces the youth to make a hard choice between getting an education and advancing towards a better economic future or upholding cultural and community traditions that exist in the Khmer language. This is the choice that Khmer Krom youth are facing right now in Vietnam.

Freedom from want is also profoundly affected by statelessness in Cambodia. The Cambodia government is really two-faced when it comes to protecting the rights of the Khmer Krom. On one hand, Phnom Penh’s leaders claim to be protectors of the Khmer Krom, but that’s just in political speeches. In reality, on a day to day level, the Cambodian government shamefully continues to deny citizenship to many Khmer Krom in Cambodia because of burdensome documentation requirements that should be abolished immediately.

Let me say clearly to PM Hun Sen and the Cambodian government that no one should have to change their name to get citizenship. Such requirements from the Ministry of Interior are ridiculous and need to be eliminated. If Hun Sen and the ruling Cambodian People’s Party really care about the Khmer Krom, they should get rid of these unreasonable obstacles to citizenship. All it takes is for Hun Sen to make one order to Minister Sar Kheng to get it done, and for the Ministry of Interior to issue one ministerial regulation (brakas). The Khmer Krom should not have to change their names or lie that they were born in Cambodia instead of the Khmer Krom lands in Vietnam, to get citizenship.

When the Khmer Krom cannot get citizenship documents in Cambodia, it’s their freedom from
want for them and their families that is immediately impacted. In Cambodia, ID cards are required to apply for citizenship but also to access healthcare, hold a land title, obtain a passport, receive loans, access education and acquire employment. How can there be freedom from want when Khmer Krom cannot go to school, and their parents cannot get a decent paying job in the formal sector? Without citizenship, the Khmer Krom face constant harassment and extortion demands from Cambodian government officials, meaning they are losing even more.

In Vietnam and in Cambodia, freedom from want also means being able to have land if you’re a farmer; to have opportunities for meaningful economic development; and to be free of exploitation and abuse in world of work. Freedom from want also means having citizenship so that a person is not afraid to speak up for themselves, their family, and their community against outside officials and crony predators that want to move people off the land for their own profits. All these things are connected to effective exercise of civil and political rights in the pursuit of economic, social and cultural rights. Want and deprivation are deepened when a community cannot speak up to defend itself.

This brings us to the fourth Fundamental Freedom, freedom from fear. Fear of the Vietnamese authorities remains high because they can arbitrarily persecute and imprison Khmer Krom at will. The Khmer Krom community knows that “Vietnam law” will not protect them since all the control and discretion lies with the ruling Vietnam Communist Party, its officials, and the officials in the government.

Khmer Krom also fear discrimination and possible deportation from Cambodia because they lack of citizenship in Cambodia. That fear comes from erroneous views by some Cambodian people and officials who think the Khmer Krom are Vietnamese because of differences in their accents in Khmer, and their origin in the Khmer Krom lands in Vietnam. For those Khmer Krom who have fled Vietnam, and but must continue their flight to Thailand to seek asylum in Bangkok, there is another type of fear. That fear comes from a possible knock on the door from Thai officials who do not recognise refugee status and treat all refugees as illegal migrants subject to arrest and indefinite detention under
horrible conditions in an immigration detention center. Thailand is no longer safe for refugees, and the Khmer Krom know it.

The reality is fear and uncertainty weigh on the backs of the Khmer Krom people in Vietnam, Cambodia and Thailand every day. So – what are we going to do about this? We have a lot of work to do. Recently, I think the plight of the Khmer Krom has been pushed out of the spotlight of the international community and this means fewer people are paying attention. We have to change this. There are a number of reasons for this, which I won’t explain in detail. A big part of it is beyond our control because media and governments are putting more focus on the bogus national Cambodia election on July 29, or paying more attention to Vietnam’s increased repression of others, like the Catholics involved with the Formosa chemical poisoning of the sea, or the Montagnards fleeing to Cambodia.

The Khmer Krom movement needs to seize back the limelight and be more effective in taking advantage of political opportunities as they come up. Here are some recommendations for further discussion. First, it’s obvious that Vietnam is not going to change its discriminatory, rights abusing policies towards the Khmer Krom unless they receive sustained, constant pressure from the United Nations in Geneva, New York, and Hanoi, and from important governments like the US, France, Germany, Great Britain, Canada, New Zealand, Australia, and others.

There is a need to increase the international pressure in order to try and force concessions from Vietnam. This is critical, we need to have what I call a “waves to the beach” strategy – meaning that pressure is constantly coming. Just like when one wave breaks on the beach, you can look behind it and see another wave is coming. Our pressure on Vietnam needs to be like that, relentless and constant like waves pounding the beach. Vietnam needs to realize they cannot delay, obfuscate, or deny any longer on the demands of the Khmer Krom people.

Looking at key issues of religion, language, education, land, and citizenship, it’s important for the Khmer Krom to have a manifesto that outlines clearly what the Khmer Krom people’s demands are to both Vietnam and Cambodia, and then develop justifications for those position based on international human
rights law. This is something that Human Rights Watch and other groups can help you develop, and we would be happy to do so. With that manifesto, the Khmer Krom need to work together with allies to use various mechanisms of the UN Human Rights Council, and its Special Rapporteurs and special procedures, as well as various UN agencies - and do this in a much more systematic way.

This is a project for KKF leaders, but it is also an opportunity for young Khmer Krom professionals, and for their friends in the international human rights movement, to work together to develop these positions and justifications, and then operationalize them with strategic demands for action by the UN Human Rights Council, and other UN bodies. We need to bring together the information on the ground in Vietnam and Cambodia on what is happening to people to analysts - young lawyers working pro bono and rights activists - and bring these issues into the spotlight.

On the right to education in Khmer language - what Special Rapporteurs of the UN Human Rights Council will take this up? What can the Committee on the Rights of the Child be persuaded to do?

The Khmer Krom should also be demanding more from the UN agencies that have offices on the ground in Vietnam and Cambodia. UNESCO handles issues of education, and also freedom of the press and media. What can UNESCO be
persuaded to do? And UNICEF works on the rights of children, what about the rights of the Khmer Krom children – what is UNICEF doing to help them?

On the right to land and development – what Special Rapporteurs will take this up? What land is being taken, for what purpose, and who is taking it?

On the right to freedom of religion – what will the Special Rapporteur do, and what can we persuade the new US Ambassador for religious freedom, former Senator Sam Brownback of Kansa, to do?

For the Universal Periodic Review, both Cambodia and Vietnam will have their next sessions in Geneva in January 2019. This is going to be a very big opportunity for the Khmer Krom. What are you and your organizations going to do to prepare for this? How can you make sure that recommendations about the Khmer Krom are at the top of the list of issues that governments raise with the governments of Cambodia and Vietnam at the UN Human Rights Council?

On issues of statelessness, many of you here may not be aware that the UNHCR has a mandate to take up statelessness. So how do the Khmer Krom work with UNHCR on the failure of Cambodia to extend national ID and citizenship documents? How do we work with UNICEF on what a lack of citizenship means for Khmer Krom children in Cambodia, or with UN Women on what it means for Khmer Krom women?

This is our challenge, to take what is happening to the Khmer Krom and put it together with legal and human rights analysis, and then use this to advocate and persuade various agencies and Special Rapporteurs to pressure Vietnam, and Cambodia on the issues within their mandates.

The KKF, supported by UNPO and other friends, have the knowledge, skills and the commitment to do this – and Human Rights Watch will work side by side with you going forward to build a better, rights respecting future for all the Khmer Krom people.

Thank you.

**Speech by Mr Sereivuth Prak**

Good morning, I am Sereivuth Prak, the Executive President of the Khmers Kampuchea-Krom Federation (KKF). This is a historic event; on behalf of my
indigenous Khmer-Krom people, I am greatly indebted to Senator Gattolin and his team – Gabriel, Alain, Gustave – for working so hard to make this happen, as well as the UNPO staff – Julie, Fanny – and a few more people such as Valentine de Bonneville, who have brought us to this Palace in 2017.

Now with regard to the Four Freedoms: Mr Phil Robertson mentioned a lot already, I will just add some more. This year is the 70th anniversary of the Universal Declaration of Human Rights. In the past 70 years since US First Lady Eleanor Roosevelt advocated for the adoption of this declaration by the UN, a lot has changed in the world. Yet in Vietnam, nothing has changed with regards to the indigenous people such as the Khmer-Krom and the Montagnards, who are still suffering. I will add up the evidence of why their situation reveals violations of all four freedoms: freedom of speech and expression, freedom to worship in their own way, freedom from fear and freedom from want.

For example, regarding the teaching of Khmer language: recently, about four or five years ago, two Buddhist monks in the Soc Trang province – that what we call Khleang – were teaching Khmer in their temple. In order to preach, they had to learn Khmer for our Buddhist teachings are in Khmer. But when they in turn started to teach Khmer, the Vietnamese government arrested them. To put them in jail, they had to be defrocked – and according to Buddhist rules, only the head of the temple can defrock a monk; not the government, not the police. They sought Venerable Lieu Ny, the head of the temple, to defrock his monk Venerable Thach Thuol. When he refused to obey this order, they were both sent to jail.

Venerable Lieu Ny was imprisoned for four years from May 2013 to May 2017. He was released following peaceful protests all over the world. When Venerable Lieu Ny was imprisoned, his father was so worried he begged prison guards to release him; but they refused. He passed away while his son was in prison. Venerable Lieu Ny swore to God that on his release he would re-ordain himself to pay his respects to his father. When was released in May 2017, he tried to be re-ordained, but they would not let him: during the re-ordaining ceremony, the Vietnamese government sent security forces to disrupt the ceremony. This is a clear violation of the human right to
religious freedom. Today he is still being closely monitored and followed by the Vietnamese secret service.

The other monk, Venerable Thach Thuol, is still imprisoned in Khleang. The US Congress, the US State Department, the US Commission on International Religious Freedom and the European Parliament were asked to put pressure on the Vietnamese government to release the monk. They have done nothing wrong against the government; they only taught in Khmer, and to stop them is a violation of one of the four freedoms mentioned by US President Franklin D. Roosevelt.

This is also about the villagers’ rights. There are other monks imprisoned for no reason, for trying to protect the rights of villagers. As Dr Philip Taylor mentioned, there are temples all over the Mekong Delta, each of which is surrounded by Khmer-Krom villages and communities. Land is life; without land, there is no life for the Khmer-Krom rice farmers. So when the Vietnamese government implemented a land-grabbing policy, the Khmer are left with no life: they starve. This is why you see mass migration from rural areas to the cities such as Saigon, where they will be exploited and earn a minimal wage. This will also destroy our culture as people leave from a young age, from 17 to 50. That’s why, when Dr Taylor went to a rural area in Kampuchea-Krom, he saw only old people or babies and young children. Their parents have all gone to work in the city. Some do not even speak Khmer.

This also affects the monks in Buddhist temples, who are usually fed by the village as they cannot work in farms – right now, they have no food. And there are not enough monks; young people are forced to move to urban areas to earn a living to support their families. This is a hidden ethnic cleansing policy where, though they do not kill us directly, they are still killing us softly.

Another aspect is Khmer culture. In Khmer culture, like in Thai or Laotian culture, the New Year celebration is a mid-April affair; in Vietnamese culture, the festival is in late January. During the Vietnamese New Year, people are allowed to take time off; but during the Khmer-Krom in mid-April, they are not allowed to. If they try, they risk losing their job and their living. This is why we lobbied the EU and the US to make the Vietnamese government give us at least a day to practice our religious and cultural rights as
guaranteed by the Universal Declaration of Human Rights by the United Nations, which the Vietnamese government has signed. But that was just lip service.

Then there is location problem. For example, in Tay Ninh province – which we call Raung Domrei – thousands of Khmer-Krom people have migrated to work along the Cambodian border. When the Khmer-Krom New Year came they could not go back to their home towns for the celebrations, but they wanted to take a Sunday off to celebrate among their people. But they had no venue, so they lobbied the Vietnamese temple to use an abandoned area of bush in the temple. They even offered to clean the temple in exchange for being able to celebrate there. But the authorities said they could not, about a week prior to the celebration and after these Khmer-Krom had already cleaned up the area in the Vietnamese temple compound. The Vietnamese authorities ordered these Khmer-Krom to use another much smaller location. In the end, they had to use a venue that could only host 50 to 70 people instead of thousands. This is just one of the ways in which they interrupt our culture.

Next is environmental destruction. Everything I say follows Mr Robertson. Global warming and climate change have caused drought. Usually we have a lot of water; but right now, it is very hot. For example, the famous Sras-Kou pond that has existed for hundreds of years, is now nearly dry – a fact that I mentioned during a visit to UNESCO in a plea for its preservation. Rising sea waters are also a problem, as the Mekong Delta sits at a very low level above the sea. As the climate becomes warmer and the South Pole melts, it will not regenerate and so many places will be affected – places like Venice in Italy, but also Kampuchea-Krom. This is made worse by intensive farming, which has a big export business to the US and Europe. Intensive shrimp farming by the Vietnamese through pumping the sea water into their rice fields, which affects my people. The land cannot grow rice because of the seawater, also because of the chemical fertilizer. In the past, you could farm for a year and go three years without farming, because you would have a surplus. But now, when you try to sell your harvest they lower the price so that you cannot pay back the debtors – and eventually they take
your land. This is another slow way to kill us.

The combined chemical fertilizers and pesticides also affect the quality of water. For thousands of years, the Khmer-Krom have been able to drink the water from rice fields without a problem; but now, it is polluted. As poor people, we cannot afford to buy clean water; so many of us fall sick. When we go to the hospital, the majority of staff are Vietnamese because you need a lot of money and education to complete medical studies. And because we have to pay to save the life of our parent or our relative, we are forced to sell our farm land to fund the treatment.

There are also issues with sport. As Dr Taylor and Mr Robertson mentioned, the most famous sport in Kampuchea-Krom in the Mekong Delta is boat racing. Why? Because it is a marshland, it is flooded. Many thousand years ago, the Khmer-Krom army used boats as transportation; as Dr Taylor mentioned, the Mekong Delta is a buffer state just like Poland between Russia and Germany in World War Two. The Mekong Delta is a buffer zone before Cambodia and the Champa kingdom, Cambodia and Thailand. So boat racing is famous. But the problem is they now use boat racing to exploit our people. In Soc Trang, many people come to see the boat racing; as a result, so do many tourists. This makes millions of dollars. But the money from this tourism goes straight into the pockets of corrupted politicians, while the Khmer-Krom who raced only get a small part.

In Châu Đốc province (or Moth Chrouk), the famous sport is ox racing. We asked the Vietnamese government to allow us to organise sports in our own right, not to be controlled by them. We wanted our own association, and also a Buddhist association that was not controlled by Vietnam. In Hanoi there are no Khmer-Krom populations. The Buddhist temple in Hanoi – a beautiful temple – the Vietnamese government ordered Khmer-Krom monks from their hometown in the Mekong Delta to move to Hanoi; but the monks have to be close to the Khmer-Krom population they serve. So it was difficult, impossible even.

They may have changed their constitution’s Article 69, providing lip service to the promise to obey the UN Declaration of Human Rights, but nothing has changed. So I would like to take this opportunity to ask all of you here today: please do everything in your power to help us. We just want
to live in peace, to preserve our rights, our culture and our language. Otherwise we will die – our bodies will still be alive, but our soul will die. If we cannot speak Khmer, our children will no longer be Khmer. Thank you very much.

Speech by Mr Daniel Bastard

Vietnam is one of the worst countries in the world in terms of press freedom and freedom to inform. In the press freedom index published two months ago by Reporters Without Borders, it ranks 175th out of 180 countries. All the mechanisms that usually guarantee press freedom are extremely weak, if not inexisten. No independence. No pluralism. The traditional media all take their orders from the Propaganda cell of the Communist Party, making it very difficult for journalists to truly do their job. They have to follow a narrative dictated by the rule of the Party. In some cases, they can investigate and publish about some corruption cases against some low-level officials – but this will always depend on the fact that this official is not backed-up by higher-level cadres.

As a result, what is left for freedom of speech? The Internet. The interesting thing is that the population in Vietnam is: quite young, with a rather high literacy rate, rather well-connected to the web (more than 60% have a daily access). In this regard, bloggers and citizen-journalists play a very important role since they are the only sources of independently-reported information. This is all the truer since Facebook is not blocked in Vietnam, as it is in China for instance. Vietnam is one of the world’s top users of Facebook, making it so that one information, one report can be widely disseminated online.

The problem is that the crackdown against independent bloggers and online activists has increased enormously since Nguyen Phu Trong took control of the party as Secretary General in 2016... He is the leader of the conservative, hard line of the Party, and he managed to get rid of all those who had more liberal, more progressive views within the Communist Party. Since then, there has been an unprecedented wave of repression against independent
voices, with: harassment, intimida-
tions by the police... People would suddenly find themselves de facto under house arrest because cops are all around their house, without any warrant... Or you would see plainclothes policemen coming to your house and beating you...

Many bloggers have been formally arrested only because they published some information about education, about environmental issues, about corruption, about religion, about ethnic minorities, etc. More than 30 bloggers have been arrested for their writings in the past year and a half. They are generally charged with three types of accusation, which all contain this very typical wording: conducting “anti-state propaganda”; engaging in “activities aimed at overthrowing the government”; and “abusing the rights to freedom and democracy to threaten the interests of the state”. We’re talking about bloggers who just want to share their ideas and point of view on the Internet, and this is how it is called in Vietnam.

What is new with this current wave of repression, is the really heavy sentences they get: nine years in jail, ten years, fourteen years as it happened in April. A few years ago, online activists would not get such long sentences; they would get one, maybe two years - which is unacceptable of course, but it’s still bearable. Now the line is clear: with ten to fourteen years, the will of the authorities is to crush anybody who raises their voice. The sentences are a serious warning to all those who want to tell or seek the truth beyond the official propaganda: this is the risk you take if you dare to speak up.

“"To put it shortly, the current situation of freedom of speech in Vietnam is pretty much that of a climate of terror.”

The other aspect of freedom of speech in Vietnam is related to the tight control of what happens on the Internet and the cyberspace. Five years ago, an army general made a very serious announcement, saying that they have developed an army of 10,000 cyber-soldiers to combat “wrongful views” online. Of course, nobody defined what a “wrongful view” was, but we can all imagine that any remark, any comment or any information that would displease the propaganda department would be erased
immediately and its author might face dire consequences for their integrity. To put it shortly, the current situation of the freedom of speech in Vietnam is pretty much that of a climate of terror. So, what can be done to change this situation? It is quite difficult in the current international context, since although the US has a large influence on Vietnamese leadership – notably under Obama – Donald Trump does not care about human rights issues at all. The other way to put pressure on Vietnam can be done through the EU.

The European Parliament still has to ratify a Free-Trade Agreement between Vietnam and the EU this year. We demand that members of the European Parliament suspend this ratification unless Vietnam releases from jail people who raise their voice. That is something everybody can help with: ask for your representative at the European Parliament to refuse to sign the Treaty. Otherwise, in the current context, it appears extremely difficult to raise awareness about the rights of minorities within Vietnamese society.

Speech by Ms Laura Harth

Thank you very much. I will be fairly brief, first of all because I am not an expert such as Ms Mufford and the many other experts on this panel. I am a political activist, like many of you in the room, so I will be talking from a slightly different perspective. However, I wish to first thank Senator Gattolin, Gabriel Di Battista and the UNPO staff, Julie, Fanny and Valentine for organising this wonderful event and of course the KKF members for showing up so numerous. It is great to see so many faces coming from all over the world to be here together today. So thank you to all of you.

I want to start from where Ms Mufford left off, with the quote by Albert Einstein and going also back to the title of this panel: “Religious Freedom in Vietnam, a fundamental right or a privilege granted by the Government?” I feel we are living in a time frame where - while seventy years ago, on the 10th of December 1948, the Universal Declaration of Human Rights was approved, recognizing religious freedom as a fundamental right - unfortunately today we see that many of those rights are under threat. We see how the multilateral system set up to
protect them is under threat. We see that many of the rights we took for granted everywhere - and I would say even, or maybe especially, in the West where we thought we won the big War, we had obtained democracy forever, we had obtained human rights and freedom forever and things would only get better - instead we are moving very much in the opposite direction. And I think this is a very important issue, not only for Kampuchea Khrom, but for all the members of UNPO and oppressed peoples all over the world. If Western democracies succumb, or start paying less attention to human rights even within their own borders, this means that raising your issues within these settings will become even more difficult than it is at present.

Dr Robertson rightly asked you to work increasingly together. I think we should work together as much as possible to involve and inform national institutions everywhere, as what I stated before will make it more difficult to raise particular issues and especially to do so effectively. So, we have a huge struggle ahead, but someone told me that in Chinese the symbol for "crisis" is exactly the same symbol as the one indicating "opportunity". We are most definitely living on the brink of a crisis, we might already be in the middle of a big crisis, but I think it is also a big moment of opportunity, because when fundamental rights are under threat it may also become easier to reach out to a large number of people that may initially not be that interested or concerned with the rights of others.

To do so, the Nonviolent Radical Party, Transnational and Transparty, together with the UNPO and the Global Committee for the Rule of Law Marco Pannella and other organisations, is working on a campaign which we call the "common transition towards the democratic, federalist and secular Rule of Law". Those are a lot of words, and they seem too simplistic, redundant even. In a certain sense it should be redundant to speak of these principles today, but instead we feel it is fundamental to bring them back to the table. Even such ones as the "democratic Rule of Law", because it is not a given. And I am not referring only to the paradigm of the "socialist rule of law", of "human rights with Chinese characteristics" - a paradigm pushed increasingly by China and a whole string of countries which you know all too well. I imagine you would be surprised to learn that for example
even the European Commission in its Report in view of the Partnership Agreement with Cuba describes Cuba as a "single-party democracy". This is the European Commission. The European Commission which has in its founding principles written that it is based on the Rule of Law, human rights and democracy. This shows it is by no means redundant to talk about these principles. Instead, it is necessary now more than ever, as it means we have not yet achieved them.

I furthermore believe the particular question of a "secular Rule of Law", of a secular State, is essential. What kind of State can guarantee human rights in general and freedom of religion in particular? What is the relation between State and religion? It is very symbolic to pose these questions inside the Senate of the French Republic. I believe it is a very important debate to be held, not only with regard to Vietnam and Kampuchea Khrom. We know very well how in Vietnam other minorities such as the Montagnards are facing the exact same issues you are facing. Our great friend Kok Ksor continues to work on raising them. Senator Gattolin and I know very well Vo Van Ai and Penelope Faulkner from the Vietnam Committee for Human Rights, with whom I think you should seek to collaborate.

When we talk about the relation between State and religion, we go back to a very old question. The paradigm being used today in Vietnam is the same one used in Ancient Rome so many centuries ago. Think about Christianity: the Romans started by oppressing them, persecuting them. Then, when you cannot beat them, you join them, so the Roman Empire officially becomes a Christian Empire, but in the exact same manner Vietnam is using today: by imposing different traditions, new traditions, integrating the culture in a "State religion", thereby defining not only the identity of the State but trying to define the identity of its citizens. And I was therefore very much touched by the story told by Ms Saidnattar about the woman who said she could not speak in Khmer because by speaking Khmer, the Vietnamese Government could control her brain. In fact, they do not try to control your actions, they try to control your identity. And religion is such a strong tool to do so, so it is no surprise we see this happening everywhere in the world. We can think about the mullahs in Iran and I am very grateful to Ms
Mona Silavi, UNPO Special Representative on Freedom of Religion or Belief, for being here with us today. She could tell you all about how the Iranian regime is using religion as a tool to control its citizens. It is what is happening in Vietnam. It is what is happening in China. It is also what is happening in Myanmar, and it is important to say so, because this is not an issue pertaining solely to monotheistic religions. It is an issue also linked to Buddhism or to a certain use made of it. So it is a big debate, not only linked to freedom of religion, but also freedom within religion, and I am very happy to learn USIF also has the idea of “behaviour” as a fundamental principle.

This is a very important debate to be held, and I am convinced we need to hold this everywhere. Think of the language issue for example. I imagine it is natural for all of us around this table, and probably even any random citizen we may encounter on the street outside, to respond positively to the question “do you think Kampuchea Khrom people should be allowed to speak Khmer while praying in the temple?” Probably not one single person would tell you no. But if you would go out and ask them “Is it OK for Muslims in France to speak Arabic within the Mosque even if that means we do not exactly know what they say?”, they might give you a very different answer. Again, this is a debate to be held everywhere, and you have a unique role to play, you and all UNPO members, to bring this debate to the forefront. Because you represent such interesting realities, very sad realities, but in that they are very strong stories, incredibly strong testimonies. And if you would bring this debate outside, not including just you, not including just Vietnamese realities, but in a global debate on freedom of and in religion, on the relationship we want between State and religion... Not only you might increase the audience hearing you story, but you would be actually starting a debate that is fundamental today.

We are here. We are with you. You are not alone. And I hope we can continue to work together.
Panel II: Ways Forward – Putting the International Human Rights System to the Service of the Khmer-Krom

Speech by Ms Irène Bellier

Good afternoon and thank you very much for this kind introduction. I am, among other things, one of the Vice-Presidents of the Working Group for Indigenous Peoples (GITPA) – other VPs, anthropologists like me, are in this room and we all work for indigenous peoples whose situations we know well thanks to our methodology of work. Thank you for inviting me to this conference on the case of indigenous Khmer-Krom people.

I would have liked to speak in French, simply to say that in French, we call indigenous peoples “peuples autochtones” – a terminology that is very important to recall because indigenous peoples are now being recognised under international law not as a second category of people or law subjects, as it was expressed during French colonialism by the word “indigène”. So even if under current international law there is no definition of what makes a “people” or an “indigenous people”, it is important to use this category of “peuple autochtone”, which refers to their origin in the country and to the legal situation they live in.

The working definition elaborated by Special Rapporteur José Martinez Cobo in 1972 focussed on the fact that indigenous peoples have a long presence in a country before it is conquered, occupied or colonised. It does not, however, mention that the colonisation has to be by Europeans to be considered colonisation – meaning it includes Asia and Africa as well as the Americas. It includes that the indigenous collectives (be they called minorities or any other legal categories used by the state) have their own institutions, language, customs, cultures and the determination to protect these cultures and institutions and to pass them on to the next generation. In other words, they have the will to reproduce as a people and not as individuals only – they want to
reproduce socially, culturally, materially and spiritually.

I have been invited to speak on UN systems and how they work for indigenous peoples, a subject I am familiar with because I began my career as an anthropologist in the Amazon forest working with a small-scale society and since 2001 I have been working on the UN system to understand how it responds to the new issues of globalisation of which indigenous are a part, as they are powerfully affected by it. As such I have worked on the international indigenous peoples movement and the rights of indigenous peoples in relation to public policies.

The United Nations estimate there are 370 million indigenous people across the world, but we have a data collection problem; part of that problem is that the data collection is dominated by the national framework for making statistics. Essentially, if the state recognises a people then its name, or a category such as “indigenous people”, can be included in the census and the people can identify them under such a category; but if the State does not, then it is not included and problems in identifying who belongs to which people begin to appear. This is the case for the Khmer-Krom people and it has resulted in a gap in the figures between 1 and 8 million people being part of the Khmer-Krom. The fact of not including indigenous peoples in the census is a powerful tool for the state.

Indigenous peoples also represent 90% of linguistic diversity in the 6,800 languages worldwide; so, if we want to keep our diversity, we have to protect indigenous peoples and we have to allow indigenous peoples to protect themselves by recognising them.

There are currently seven recognised regions (so called “socio-cultural indigenous regions”) in the process of organising indigenous people through the UN, which provide the basis for the representation of indigenous people: Africa, Asia, North America, South and Central America, the Arctic, Oceania, Central Europe - and the former USSR. In the brief time I have been allotted, I would like to mention three issues. The first one regards how indigenous peoples can identify themselves openly. Thirty years ago, it was impossible for them to speak up, so what does it mean today? As I said before, the phrasing “indigenous peoples” /”people autochtone” is important because according to international law it makes a difference with that of ethnic
or national minority whose rights according to another legal framework, are based on the rights of the individuals who belong to a minority. Most Asian countries have chosen to deal with their indigenous populations, referring to them as national or ethnic minorities thus disclaiming their legitimacy as indigenous peoples, entitled to collective rights.

The second point I will raise is the UN framework and institutions. I will briefly mention the negotiations of the UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples, which gives indigenous peoples the right to self-determination and a legal existence, and is today pivotal within the UN systems. The process leading to the UNDRIP and following it, has resulted in a model of institutionalisation of indigenous issues. The right to self-determination has been recognised in 1918 for the peoples in general, but it took 25 years of negotiations to be accepted for indigenous peoples. And that has been possible only because indigenous people where suffering strong and persistent discrimination. However, a current of interpretation of the right to self-determination leads to see it as a separation from the state, which is actively combated by the States due to a political fear as most indigenous peoples do not demand it.

Hence my third point is how indigenous peoples can achieve self-determination through other means.

The indigenous peoples’ movement is not new; it started in 1923 when Deskaheh, the leader of the Six Iroquois Nations (Haudenosaunee) in North America, came to Geneva demanding recognition by the League of Nations. It has not been the case at this time, however since then, the movement has not stopped. There was no official recognition of indigenous peoples until UNDRIP; but there have been several significant dates: in 1923, the aforementioned Iroquois leader was not allowed to speak because he did not belong to the world of nations, defined by the state and reduced to unity. In 1949, Bolivia raised the issue of distinct indigenous cultures, but it goes no further. In 1972, the Economic and Social Council commissioned two studies on the issue of discrimination of indigenous populations. Among other items that we cannot detail (see
Bellier, Cloud et Lacroix, 2017), indigenous peoples are not only considered to be different, they also suffer discrimination and are marginalised, which justified a study on the subject to be undertaken. This is how the recognition of indigenous peoples’ existence and the need for them to have specific places in the UN where they could discuss their issues, which previously states did not recognise as a separate domain, started. In 1982, the Working Group on Indigenous Populations is established, under the Sub-Commission on the Promotion and Protection of Human Rights. In 1995, the Working Group on the draft declaration is being formed to negotiate the language of the international text, with the active participation of a number of states and of indigenous delegates. In 2007, the UN Declaration on the Rights of Indigenous Peoples is adopted. In 2014, the High Level Plenary Meeting of the General Assembly known as the World Conference on Indigenous Peoples, released an outcome document to help the UN system and the states to implement the UNDRIP. Since 1982, we have observed a number of institutional developments, which can serve as tools for indigenous peoples to argue their case and be included in what we now know as global governance.

The movement of indigenous peoples is composed of personal histories, heroes and shared causes. What is happening to the Khmer-Krom, for example, can also be seen happening in other areas of the world in exactly the same way. That notion of sharing situations, causes and problems has been very important and the UN have shown their capacity to facilitate in this domain. In these ways, indigenous peoples started to participate in UN processes and they started to be heard not just as victims of adverse policies, but as experts and peoples articulating demands in the legal way: demanding a fruitful dialogue with the States which they live in and with the international community whose decisions may affect their situations. We observed the transformation of indigenous peoples from victims of human rights violations to actors capable of being part of negotiations at the world and regional levels.

When indigenous peoples started seeing their struggles recognised,
they made the larger world think about collective rights as well as individual rights. This is important to mention because human rights were originally thought of only as individual rights according to the Universal Declaration of Human Rights (1948). But the rights to culture, to language, to development are not individual rights only. In a related domain, what indigenous peoples demand in relation with the right to land, territory and resources is not an issue of personal possession, nor even a matter of individual relationships to their land: they demand the recognition of the value of a collective relationship between the people among themselves and between people and their natural environment.

Globally, indigenous peoples are victims of adverse policies: land spoliation, discrimination, diverse vexations such as those derived from ‘assimilation tools’ which push them to learn the dominant language, forget their traditional names and become part of the mainstream culture and society. That is a process, which leads to the eradication of indigenous difference. And this is contrary to the declared will to protect the world’s diversity. These are some of the issues indigenous peoples are confronted with, and which anthropologists – but not only – refer to as ‘ethnocide’. When you prevent indigenous peoples from keeping their name or practices, and you erase their culture, this is cultural genocide – or ethnocide.

Indigenous people also suffer from not being consulted or associated to decision-making processes, they are confronted to colonisation projects on their lands and the presence of extractive industries, they suffer from the impact of deforestation and agro-business on their lands and livelihoods. I have no time to explain how indigenous peoples have become activists, but usually local conflicts are the impetus for joining the movement. Because they cannot express themselves directly since they are not previously consulted, they have no choice but to resist – and it is the resistance of indigenous peoples that makes them heard as political actors, nationally but also internationally. If no resistance happens, they cannot expect the state to do anything for them. This takes place even though the state has an obligation to protect its population.

The UN stage is a fascinating area from which to observe world trends, to see what is going on and to see that
indigenous peoples, although they are extremely different, can share experiences. It is a very important learning process and an incredible site. As I mentioned before, the key issue during the negotiations of the UNDRIP has been the inclusion of the right to self-determination. Here I would like to mention two brief elements of the debate that took place: self-determination can be external, such as a proposal for separating from a state or asking for independence, which threatens the political sovereignty and territorial integrity of a state; self-determination can be internal, which involves the state giving or providing autonomy to the indigenous peoples concerned.

The debate on self-determination engaged the representatives of the states, and also what indigenous people think. For a larger number of indigenous delegates, who were part of the UNDRIP negotiations, self-determination can be realised through other means: including, processes of consultation, respect of the right to free, prior and informed consent, participation to decision making and it does not necessarily entail separation from a state. Most indigenous nations that we know of - bearing in mind it is difficult, even impossible, to know all - are not asking for separation: they want to be recognised within the state, not propose another one. They want to make their current state inclusive and not exclusive.

In these circumstances, the recognition of indigenous peoples is a
ual process which relies both on the will and conditions of possibility for peoples to identify as indigenous with their own institutions, language, beliefs and systems of justice, and on the state which has to reform its political charter to make clear that indigenous peoples are part of a society which acknowledges their differences. We observe such changes in South America at constitutional levels; some laws also have been passed in Asia and Africa; and public policies are directed towards indigenous peoples in different countries of North America, Oceania and Europe – though not so much in France. In France, the organisation of the State includes ‘overseas territories population’ but the successive governments do not recognise indigenous peoples: and their position is based on Article 2, alinea 1 of the Constitution which specify the unity of French people, language and territory. That limits the recognition of the diversity of French population. The fear of separatism and communitarianism limits the Republican capacity to value cultural diversity.

When they participate in UN bodies, indigenous representatives try and occupy spaces for political participation in multiple scenarios such as the one Dr Joshua Cooper will discuss on the Sustainable Development Goals and in climate change scenarios. That is what is important nowadays as I have heard an indigenous person say in one UN meeting “if you want to be part of the decision, you have to be at the negotiating table. Otherwise, you are on the menu”. Through their participation to UN processes indigenous peoples have developed expertise regarding law, human rights, development, environmental issues, climate change, knowledge systems and intellectual property. There are a huge number of issues that are important to indigenous peoples who want to be part of the same world we live in.

Within the UN, different institutions and organisations deal with indigenous peoples issues: these are currently, the UN Permanent Forum on Indigenous Issues (UNPFII), the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples. The three mechanisms are developing their work in partnership with indigenous peoples, who are involved in their processes. There are a lot of other
processes such as the Universal Periodic Review – where Vietnam is the next country to be examined, in January 2019 – and the Treaty Bodies which deal with the Human Rights Conventions such as the ones on the elimination of all forms of racial discrimination (adopted in 1965), on the elimination of violence against women (1979), on the rights of the child (1989), all of which indigenous peoples participate in. The states provide their reports to the Committees and the indigenous peoples try to either be considered in the report – which often does not succeed – or they try to submit a shadow report.

I should also mention the 42 different UN agencies – among which, UNESCO, IFAD, ILO, UN-Women are particularly active – who work a lot with indigenous peoples. Indigenous peoples also deal with financial institutions such as the World Bank, the Asian Bank on Development who also have a responsibility in what happens to indigenous peoples due to development projects.

The participation of indigenous peoples in these institutions and processes worldwide is highly valuable for them for two reasons: firstly, when they take the floor, when they organise conferences, when they speak at the UN, they are reaffirming their existence and make the world aware of their demands. Secondly, they are unique in the world to say precisely what is happening in certain regions: Inuit, for instance, alerted on global warming since the early 1970’s. It is crucial that they be able both to articulate their subjectivity as peoples, and be heard by the state. This is an extremely difficult exercise, because for instance, whenever the Khmer-Krom try to express their particular culture and traditions, Vietnam denies their legitimacy and so denies them representation and voice.

I will conclude with a few words regarding the issue of development at large, since the Sustainable Development Goals have been adopted until 2030. A promise has been made to ‘leave no one behind’ – a great intention, but it obliges us to think about what the agreement needs to be. Indigenous peoples have been trying to be part of the decision on what development means: does it mean more growth, more extraction of resources, or does it mean living better? Living better, but how – living well, or exhausting our resources on the planet? For me, the notion of sustainable development and all the
processes built around such a good will tends to lead to what James Ferguson has called ‘the anti-politics machine’: thinking problems can be solved technically. But it is politically, that the contradictions at hand must be addressed. Indigenous peoples are the ones who make us feel how precisely those contradictions affect our model of development. I will conclude on this: indigenous peoples have formed the notion of “self-determined development”, which is not opposed to development but one which favours policies based on the respect for their human rights and the communal will, which does not displace them from their land and allows them to continue to develop their spiritual, intellectual and cultural wealth as well as their economic one.

Thank you very much.

Speech by Professor Joshua Cooper

It is an honour to be here. I really want to honour the Kampuchea Khmer Krom Federation, and I want to honour all of you for being here: for many of you, this is your vacation. You spent your entire lives dedicated to make sure that human rights are realised in your homeland of Kampuchea Krom, and many of you moved around the world through severe circumstances but never forgot where you came from, and for that I really want to honour you today first and foremost. I also want to honour Senator Gattolin, because he talked about this as being a global phenomenon. Recognising that, talking about this – and it is the 10th anniversary of the Declaration of the Rights of Indigenous Peoples and really the most important principle is free, prior, informed consent. If that free, prior, informed consent is realised, then the lives of the Khmer Krom will change dramatically. I also want to thank him though because I have been to many conferences around the world, and usually when the person hosting comes, they give a speech and then apologise for having to leave to attend other meetings. So I really want to say thank you for staying the entire day.

We also appreciate France’s position on the Paris Agreement, which is quite significant. I was actually at the Paris Agreement with Vien and we went to side-events on self-determination and lights and we
are now working on realising the SDGs, so it is great to be back. Yesterday was unfortunately the anniversary of Trump pulling out of the agreement, but Hawai‘i was the first state to announce its intention to observe the agreement regardless; and now many states are following suit. What we’re trying to do, I think, is to live up to values the Khmer Krom have always lived by: you have an ecology, an epistemology and a respect for nature and I really think we need to work on that because, especially if you’re looking at the SDGs. It is really about looking at how you will defend the resources left on Earth. More importantly, if you do look at it, 85% of the world’s biodiversity is on 5% of the land and it is all land in indigenous peoples’ hands. So if you really do want to achieve these SDGs, the only way you will do it is if you keep the land in indigenous hands.

I really appreciated the conversation this morning from Dr Philip Taylor which brought up the Khmer-Krom’s ability to adapt. If we look at what we’ve been able to do, we’ve been able to make sure you self-identify but more importantly to shape the international institutions to reflect the views and values of the Khmer Krom people, and I think we will be able to do that as we look at what lays ahead of us. I also really appreciated the perspective about what’s coming up: if you remember what Mr Phil Robertson said, there are waves in this area. As someone from Hawai‘i, we like to surf and we like waves so I think I am the right person to share what is coming up next. If you look at waves, there have been amazing waves: the Four Freedoms were an amazing wave in 1941, for example. But it is also about looking at what happened here in France – liberté, égalité, fraternité born out of blood – but now, what is important and was mentioned briefly, is the ten human rights treaty bodies.

There are ten of them; Vietnam has ratified many of them and since the last decade we have been involved, anytime Vietnam goes before a UN body, you all produce a report that speaks truth to power. That is significant. Also the new mechanisms the UN has created: the Human Rights Council, those special procedures that Robertson spoke about. The world was hoping to limit those but we now have 44 of them, as well as independent experts, special rapporteurs and working groups, all of which we work with to put the KKF on the agenda whenever possible.
The other aspect I would like to look at is the UPR. The UPR will be reviewed in January next year; what is really important though is what will go into the shadow report, which is due next month. If we look at the SDGs, these are extremely important: they are the next weight. They are 17 goals which, if you break them down, are really about the issues everyone discussed in the ‘challenges’ panel. The first one is economic, social and cultural rights: no poverty, zero hunger, quality education and well-being, good health, gender equality, clean water and sanitation. If all those are done, the lives of the Khmer Krom are drastically changed.

SDGs are considered ‘Orangina light’ – they're ‘human rights light’, but governments want to talk about them so we engage with them in that capacity to work for these economic, social and cultural rights. They are also a great tool to raise globalisation issues: fair economy, renewable energy, decent economic growth, infrastructure and innovation. They also look at reducing inequalities – Khmer Krom are constantly discriminated against, so Goal N.10 is valuable for them. Also sustainable cities and sustainable communities: you (the Khmer Krom) are living the SDGs now. You do not have to change anything; Vietnam just has to learn to respect your rights.

Look at sustainable consumption, which is also a good practice of Khmer Krom people: they are living within their natural means. Goals 13, 14 and 15 are about climate justice, which you are working for because, as Seirevuth Prak mentioned this morning, you had been able to drink your water for thousands of years until the Vietnamese government destroyed it. That is an important point. Finally, Goals 16 and 17 are peace and justice and partnerships among all peoples. These seventeen goals are a recipe for a delicious revolution which we can make together.

Let me talk about the four phases we can participate in. The first one is preparation: it is writing the shadow reports, which we are working on right now and have almost completed. What we could seek from all of you right now is for you think of the worst situation of those goals where you live, in the communities where you came from and where you still have contacts. Then, think about what the people want in that village, in that province; that tells us what we need to do but more importantly, when we follow up with the leaders in Australia,
New Zealand, Canada or the USA, we know what we can suggest for each place when they talk about aid programmes. It means no longer letting everything go through the government, but more importantly, the Khmer Krom are deciding: we need a school here, we need a health clinic here or we need a training centre for young women to build a traditional crafts practice here. This is what we can do so it is no longer just complaining and criticising; it is no longer just naming and shaming but framing and claiming your rights using this new SDG area that we can concentrate on.

Let me give you a sense of the world waves coming – but not to worry, we are on a really good surfboard and we know what we are doing, we just need you to help out a little bit. In June – and it is only June to January – starting Monday, I leave with Connie for Brussels for the European and Gender Development Programme. On Thursday we will be going to the UN for the Special Procedures Meeting of all Special Procedures; we were even able to get a time slot to speak in Geneva at that important session. The Khmer Krom have never been to that meeting yet, so this is our first time. After that, the exciting thing is the Human Rights Council starts and we have a side-event planned.

Most importantly, before June ends, we have to finish our shadow report on the UPR. The UPR is great because it is all-encompassing. It includes anything in the UN Charter, which mentions self-determination and human rights seven times; any of the 30 articles in the UDHR, anything Vietnam has ratified; and anything a UN agency has ever said – whether it’s UNICEF, UNESCO, ILO, WHO – we can use in the report. It covers everything and everyone in this room can write a five-page shadow report. Khmer-Krom working with other organisations can even do a ten-page report.

How many people here live in Europe but are Khmer Krom? Because from July 9th to 13th, the expert mechanism on the rights of indigenous people convenes. Instead of flying people over from the US, you can help and we can meet there. The EMRIP can now do country visits and reviews of countries, which makes this meeting quite significant and we encourage people to participate in that. Another significant date in July is that Vietnam will be reviewed for the first time under the SDGs. Vietnam
was considered a champion of the Millennium Development Goals, but there was no verifying mechanism: what would happen was that a minister would show up, announce the elimination of certain goals and progress on others and everyone would clap. That was it. With the SDGs however, there’s a process: first the preparation, writing a report, getting that information from you of what is wrong but most importantly what you want. Number two, interaction: we are going to have meetings in Geneva and New York to talk to the governments and say “we need you to put this question forward, we need you to put this recommendation forward” because that provides the way forward on how we need to work and that is something we will be doing July 16th through to 18th. We even have Freedom Park again in New York again.

An important thing about the SDGs is that they say ‘leave no one behind’, but if you look at what has happened so far in Vietnam with industrialisation and everything, that is exactly what has happened. Khmer Krom have been left behind. It also has the motto ‘furthest behind first’, which should prioritise Khmer Krom and we can definitely talk with other countries so that they mention Khmer Krom at the SDG Voluntary National Review on July 18th. The good news is, everyone here can watch it on the big screen as they are webcast live; it is a great way to participate.

The last thing is the DPI NGO conference in August. We participated last year in Seoul, South Korea; Vietnam tried to block Khmer Krom from getting ECOSOC status, so we went around and got DPI status. They will try to block us in many ways but we always have an alternative strategy to make sure your voice is heard.

In September is the Human Rights Council focusing exclusively on indigenous peoples; it is also the General Assembly and we have an annual conference on SDGs and global human rights at the Four Freedoms Park on Roosevelt Island. In October and November only two things are coming up: first, the ASEAN Civil Society Conference. Before Khmer Krom went to ASEAN Civil Society Conference and Peoples’ Forum, only people supported by the Vietnam government showed up. Today, when the rest of the world are in Timor-Leste or Malaysia and they want to know what is on, they look to KKF to connect and work on common issues
such as land grabbing and the dams being constructed in Laos and China. Second, in November the Forum on Business and Human Rights takes place in Singapore. I share your passion for the Arctic peoples, and we work with Sweden on this Forum on Business and Human Rights and its Working Group. Khmer Krom can participate there and make sure that sustainable development is based on your values. Finally, December is Poland were we have to make sure the Paris roadmap works and Khmer Krom have participated there. In January is the UPR, a 3 and ¼ hour review of Vietnam that is our chance to make sure that everything brought up by the previous panel is included.

I want us to think of these waves as a tsunami of truth and transformation and I believe together we can do that. I believe your point of putting the pressure on is absolutely crucial, and that freedom and dignity are really the beginning of our mutual destiny. I look forward to working with you as we have in the past. Mahalo.

**Speech by Ms Olivia Geymond**

Good afternoon and thank you for being here today. As a representative for the EU-ASEAN Perspectives Impact Group, IFAIR - Young Initiative on Foreign Affairs and International relations, I will be speaking about the European Union and its Member States' Engagement for Human Rights - and particularly minority rights.

With the US shifting away from a normative agenda, the EU is left as one of the few world actors committed to defending human rights and indigenous peoples’ rights, and has the opportunity to take the lead. This additional responsibility means we must ask ourselves the following questions:

- What does the EU say about indigenous people's rights?
- What does the EU do?
- What more could the EU do?

To answer this, we should begin by looking at what the EU’s laws and policies regarding indigenous rights. Article 2 of the Treaty on European Union states: “The Union is founded on the values of respect for human dignity, freedom, democracy,
equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”. Similarly, Article 21.1 of the Charter of Fundamental Rights of the EU reads: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.” Article 22 of the same charter further stresses that “The Union shall respect cultural, religious and linguistic diversity”. This charter applies to the EU’s external actions; meanwhile, the Treaty on the Functioning of the European Union – which covers internal action – holds that “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”

The EU has several policies to support these primary laws. As early as the late 90s, it set out a number of principles to guide the EU external action on supporting indigenous peoples and in particular: the right to self-development including the right to object to projects in their traditional areas and the right to obtain compensation where projects negatively affect their livelihoods; the full and effective participation of indigenous peoples at all stages of the project cycle in development cooperation and the importance of building the capacities of organisations representing indigenous people; and the inclusion of the concerns of indigenous peoples into political dialogues with partner countries. These principles were laid out in The European Commission Working Document on support for indigenous peoples in development cooperation (1998); the Council resolution (1998); and the Council conclusions (2002). Next, in 2005, the European Consensus for Development committed the EU “to apply a strengthened approach to mainstreaming’ specific cross-cutting issues, including ‘indigenous peoples’, to integrate their concerns at all levels of cooperation, ensuring their full
participation and free, prior and informed consent”. This commitment was reaffirmed in 2017.

The 2012 EU Strategic Framework on Human Rights and Democracy was operationalised into the first EU Action Plan on Human Rights (2012-2014) which commits the EU to “review and further develop EU policy relative to the UN Declaration on the Rights of Indigenous Peoples, with a view to the 2014 World Conference on Indigenous Peoples”. The second EU Action Plan on Human Rights and Democracy (2015-2019) foresees plans to “step up efforts to protect Human Rights Defenders including social partners, who are working to uphold economic, social and cultural rights, with a particular focus on human rights defenders working on labour rights, land-related human rights issues, and indigenous peoples, in the context of inter alia ‘land grabbing’ and climate change.”

Another key element in the EU’s indigenous rights strategy is monitoring. Yet the 2017 country update on Vietnam, although acknowledging violations of the human rights of activists promoting indigenous peoples’ rights, is a missed opportunity to explicitly report on the Khmer-Krom’s situation. It did however include a general condemnation, stating that “2017 was marked by a worrying increase of arrests, trials, convictions, attacks, temporary detentions, threats and intimidation of activists engaged in peaceful activities of promotion of human rights, environmental protection, labour rights, land rights and the rights of indigenous peoples.” Overall: an adequate law and policy framework is in place for the EU to support the rights of the indigenous peoples.

There are several ways the EU can take action to protect human rights, starting with the United Nations. The EU has ‘observer’ status at the UN and participates in: the UN permanent Forum on Indigenous peoples; the UN Human Rights Council; the Social, Humanitarian and Cultural Committee of the UN General Assembly; and the Expert Mechanism on the Rights of Indigenous Peoples. In 2007, the EU supported the adoption of the UN Declaration on the Rights of Indigenous Peoples; in 2014, it contributed to the 2014 WCIP and its Outcome Development.

The EU can also apply pressure through financial support and its withdrawal. The European Instrument for Democracy and Human Rights
(EIDHR) 2014-2020, which has a budget of 1.3 billion euros, aims to support civil society and human rights defenders working outside the EU in five priority areas including “land-related rights, indigenous peoples in the context of inter alia ‘land grabbing’ and climate change”. The Instrument has the ability to operate without the need for host government consent in some instances. Past examples have included a five-year project aimed at strengthening the voices of non-state actors (NSA) including civil society, indigenous peoples and local community groups in the Mekong region. Another example is DOCIP, the Indigenous people’s centre for documentation, research and information, which helps inform and influence policy-making.

Another financial tool is the New Development Cooperation Instrument (DCI) 2014-2020, which has a budget of €19.6 billion. Its goals include promoting “global public goods and challenges” (GPGC) and “support for civil society organizations and local authorities”. They are prioritising the fight against poverty and supporting inclusive growth. The Indigenous Navigator project was financed by both the DCI and EIDHR.

The EU can also take action to protect human rights defenders in danger. It has contingency funds to provide immediate financial support to endangered activists, so that they can pay for bodyguards, buy a plane ticket, etc. EU staff abroad (head of the EU delegation to the country, MEP on mission abroad, etc.) may decide to act via diplomatic channels or attract media attention to help the person in danger. The ProtectDefenders Mechanism runs twenty-four hours, seven days a week.

Maintaining political awareness is equally important. The EU Parliament can enact emergency resolutions denouncing an imminent threat, e.g. the 2008 European Parliament resolution on the new EU-Vietnam Partnership and Cooperation Agreement and human rights. The EU can also send delegations of MEPs to countries of concern.

Member States of the EU sometimes take action individually. Germany for example unilaterally funds capacity development activities for AIPA, the ASEAN Inter-Parliamentary Assembly (following a pilot and a first phase, the project is currently in its phase 2, €900K). AIPA expressed interested in establishing an AIPA-European Parliament
Dialogue Facility, which Germany would support financially.

Looking forward, the EU should use the tools at its disposal to ensure the representation of indigenous peoples: in human rights dialogues (through representatives); in the Policy Forum on Development; and ensure representation beyond development cooperation matters. It should inform EU external action through regular High-Level EU-Indigenous Peoples dialogues and further mainstreaming of UNDRIP principles. It should support ASEAN’s human rights framework through further support ASEAN institutions and the establishment of a dedicated HR policy dialogue at the regional level (in contrast with lecturing ASEAN governments). Lastly, it should support Civil society through further support relevant civil society actors, including by channelling funds to them directly.

Thank you for your attention. For those interested, IFAIR’s fourth EU-ASEAN Perspectives Dialogue will address the integration of ethnic and religious minorities.