

# Living on the margins:

On the Status and Standing of Minorities and Indigenous Peoples in Cambodia

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**Imprint:**

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## ABBREVIATIONS AND ACRONYMS

ASEAN	Association of Southeast Asian Nations
CAMSA	Cambodia Muslim Student Association Foundation
CMDF	Cambodian Muslims Development
CYIA	Cambodian Indigenous Youth Association
ECCC	Extraordinary Chambers in the Courts of Cambodia
ELC	Economic Land Concession
FIU	Financial Intelligence Unit
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
PRK	Vietnamese People's Republic of Kampuchea
RCC	The Rivers Coalition in Cambodia
RGC	Royal Government of Cambodia
RIHS	Revival of Islamic Heritage Society
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UDHR	United Nations Declaration of Human Rights
UCAN	Union of Catholic Asian News
UNHCR	United Nations High Commissioner for Refugees
VC	Việt Công

# 1. Introduction

Cambodia's current population amounts to 15, 135,169 with about 90% of Khmer origin.<sup>1</sup> While it is often presented as one of the region's most homogenous country it is, however, home to a multitude of minority groups and Indigenous Peoples.

Significantly, there is no agreement on an internationally, legally binding definition for the term „minority“.<sup>2</sup> The reason for the controversy about a universally acceptable definition is that it needs to provide for a substantial number of different scenarios in which minority groups live. In article 1 of the United Nations Minorities Declaration the term is used for minorities based on national or ethnic, cultural, religious and linguistic identity; it additionally demands states to protect their minorities' existence.<sup>3</sup> The most widely acknowledged definition is the one formulated by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities:

„A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language“.<sup>4</sup>

The elements of this definition are, thus, taken to identify the 'minority groups' in the Cambodian context which are understood as being of Chinese, Lao, Thai, and Vietnamese or Cham origin. While Indigenous Peoples may share certain characteristics with other neglected minorities in societies, they have certainly retained distinct characteristics which are undoubtedly different from those of other segments of the national po-

<sup>1</sup> The World Bank, *Data*.

<sup>2</sup> Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, 5.

<sup>3</sup> United Nations, *47/135 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*.

<sup>4</sup> Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, 98.

pulations. One of the preeminent international legal foundations for indigenous rights, the International Labour Organisation's Convention 169, Indigenous and Tribal Peoples Convention provides assistance in identifying Indigenous Peoples in the global context. It considers Indigenous Peoples as peoples who's social, cultural, and economic conditions distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and who suffer from economic and political marginalization as a minority group.<sup>5</sup> The principles that Indigenous Peoples have in common are the foundation of all their practices. However, each Indigenous group is unique.

Overall, Cambodian minorities and Indigenous Peoples differ in terms of their migration history, their means of living, the way they practice and preserve their cultural traditions, and their sense of identity. This report attempts to provide an overview of 4 different minority groups in general; and in particular, it will examine and compare the situation of the Cham Muslims, the Khmer Krom, the ethnic Vietnamese, along with the Indigenous Peoples of Cambodia. These 4 minority groups are selected as target groups in this study, because they are identified as being subject to a number of serious problems and they are struggling to have their voices heard. On top of that their histories and living conditions are at times surrounded by prejudices and myths in Cambodian society. It is significant to understand the origin and diversity of these different groups. Since minorities are disempowered groups; meaning they have less power than other groups ranging across society, it is a major concern if the Cambodian minorities are experiencing hostility and if they are fully being protected by state authorities. Disadvantages among vulnerable communities can take a variety of forms after all. Furthermore it is the aim of this report to raise awareness about the minorities' problems and to shed light onto the root causes for their difficulties. By emphasizing historical facts and data and drawing from diverse viewpoints, the paper tries to create a more differentiated understanding about the living conditions of the Cham, the Khmer Krom, the Vietnamese and the Indigenous Peoples in Cambodia. It also seeks to help producing a change in perspectives in the Cambodian society and provide for social integration of minorities.

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<sup>5</sup> The NGO Forum on Cambodia, *Free, Prior and informed consent in the development process in Indigenous Peoples communities of Mondulkiri and Ratanakiri Province*, 2.

## 1.1 Study questions

The study is conducted on the basis of 3 main research questions which are to help analyzing the current situation of the minority groups in Cambodia:

- a. Which problems do these minorities face and why?
- b. Do minorities in Cambodia suffer from the same problems?
- c. What is the cause if they do/ don't share identical difficulties?

## 1.2 Study structure

**The report is divided into 5 chapters:**

*Chapters 2 – 5* draw on a description of the 4 minority groups. At the beginning of each chapter it is individually referred to the minorities' history, general information including size, location, traditional culture and their current situation. It is then followed by an examination of the cause-effect relationship of their difficulties. The focus and extensity of the relevant factors used to explore this relation varies for each respective minority. Every chapter concludes with a short discussion on the findings adapted to the minority's specific concerns.

*Chapter 6* highlights internal conflicts among the minority groups and gives dire warning of the consequences.

*In Chapter 7* the results for each respective minority group are finally compared and discussed, because information on a comparative basis is scant.

The conclusion, in *chapter 8*, assesses what final statement can be drawn from the findings and closes with recommendations for improvement.

## 2. The Cham

The following lines provide information about Cambodia's Muslim population in general and about the Cham, the largest Islamic group, in particular.<sup>6</sup>

### 2.1 Size and location

The official status of the Cham is that they are a „religious“ but not an „ethnic“ minority. The population survey by Eng counts as many as 340,450 Muslims in the country, which yields a figure of 2.5% of the total population.<sup>7</sup> 96% of the population is practicing Buddhists, making Buddhism the largest religion in Cambodia.<sup>8</sup> In 2010 the total Cham population added up to 272,360 people. A list compiled by the Highest Council of Muslim Religious Affairs registered 454 Muslim villages around the country.

The most densely populated areas in Cambodia are the provinces located southeast and southwest of Phnom Penh. The Population Census 2008 reveals that Kampong Cham, the country's largest province, comprising 12.54% of the total population, is also home to the largest Cham population in the country, about 138,000 Cham. The smallest province Kep at the same time only has few Cham residents.

<sup>6</sup> Information from this section is in large part from: Eng, *From the Khmer Rouge to Hambali: Cham Identities in a global age*.

<sup>7</sup> According to Eng this full figure of Muslim population includes additional factors and information such as the number of villages with less than 20 families, the number of Muslims in Prey Veng and Svay Rieng, of Muslims living among other ethnic groups, and an assumed number of 10,000 people in order to align the number for migrating Muslims.

<sup>8</sup> Cambodia Population Survey 2008.

### 2.2 Tradition and culture



The Cham are traditionally known as fishermen and butchers. The mostly very poor inhabitants of river villages along the Mekong River and around Tonle Sap Lake most often earn their daily bread by fishing and trade their fish to local Khmer afterwards. Women in these villages sometimes engage in weaving and sell their products. Inland villages usually preserve themselves by various means. Some of them are specialized in metal working; others grow fruit trees or vegetables. Yet Cham often serve as butchers of cattle for their Khmer Buddhist neighbors with usually very little competition from other ethnic groups in this occupation. A few Cham also conduct business across the border exporting local products.

The Cham language belongs to the Malayo-Polynesian branch of languages. According to Eng there is a very small amount of written Cham texts and only few people can read and write Cham. Most of them are often illiterate and the main means of communication remain verbal. If they have to fill gaps in their own language they tend to make use of single Khmer words or items and often switch between languages according to a situational change. While they use the Cham language to communicate with each other they speak



Khmer outside their community when talking to members of other ethnic groups. Villages that emphasize stricter religious rules on women for interactions with outsiders consequently leave them with very little Khmer knowledge, if any at all. On the other hand there is a tendency that today's young urban Cham have difficulties to learn the Cham language. However, most Cham communities are trying to continue to speak Cham in order to construct their identity and preserve their culture.

The Cham's clothing is influenced by both Cambodian society and by Islamic relations to the Middle East and to Muslim countries. Their dress is distinctive and in particular noticeable during special events.<sup>9</sup> Men are often clad in black, white or grey loose-fitting silk robes with a round neck. As head wrappings they have a cap (katip) or a white scarf that is looped around their head. Nowadays the devout men are sporting long beards.

The traditional main item of clothing for devout women is a long black tunic. Their characteristic head dress is a piece of black cloth intended to cover all of a woman's hair. In some communities<sup>10</sup> the dress is completed with a face-veil. City women who are more in contact with people from other ethnic groups most often solely wear a black head covering with decorated and beaded edges. Less religious women simply use a scarf or a covering that reveals some of their hair. A small percentage of liberal women who live almost isolated from Islamic tradition are mostly influenced by modern Cambodian society. For this reason there is no obvious distinction from the way non-Muslim women or other ethnicities dress.

All Cambodian Cham follow and live by a number of religious practices and traditions. One of the most perceptible to all Cambodians is the muezzin call to prayer in Arabic or in Malay from the minaret. The oldest minaret in Cambodia, built in 1843,<sup>11</sup> can be found in Svay Khleang village in Kampong Cham. Another particularly famous Islamic ritual is Ramadan. During this ninth month of the Islamic calendar Muslims abstain from eating and drinking between dawn and sunset. A further religious duty to every Muslim instructed by the Quran is the pilgrimage to the holy city of Mecca in Saudi Arabia. It is a small number of rich Cham and those lucky enough to receive support from Islamic charitable organizations are able to experience this life-fulfilling desire. But despite the high costs the number of Cambodians travelling to Mecca is rising.<sup>12</sup>

In Cambodia the majority of Cham, 95%, are Sunnis while approximately 5% belong to the Imam Sann group. The Cham Sunnis are referred to as a strict version of religion.<sup>13</sup>

<sup>9</sup> Special events are for example funerals, weddings, Cham New Year or the end of Ramadan.

<sup>10</sup> Such as Trea commune in Kampong Cham, some areas in Kampot, Prek Bra village (southeast of Phnom Penh), a few villages in Battambang, and a few Cham fishing villages in Kampot Chhnang.

<sup>11</sup> Sayana, Cambodia: *The Cham Identities: Culture, Preservation and Education of the Cham*, 2.

<sup>12</sup> McPherson and Vandy, *More Chams taking the trip of a lifetime*.

<sup>13</sup> Mohid Sofr, *Cham Muslims in Cambodia*.

The Cham Sunni Muslims are divided into four major schools of thought: Hanafi, Shafii, Maliki and Hanbali. The diversity among these groups is subtle. The majority of Cham in Cambodia are followers of the Shaffi sect which is the dominant school in Malaysia and Indonesia, the two major countries that supported Cham after the end the Khmer Rouge dictatorship. Now that more students are going abroad receiving education in the Middle East and South Asia the support of and interest in the three other denominations has increased.

The most important distinction between Islamic and sectarian groups in Cambodia, however, is that between Tablighi Jamaat and the Salafi groups, both belonging to the Shaffi school of thought. While there was grave opposition between the two in the 1990s, conflicts have declined over time, but controversies are still present today.

The Tablighi Jamaat group is rather conservative and provides support to the illiterate, rural and poor Cham. The Salafi group, in contrast, is rather open and focuses on intellectual and urban Cham. Further explicit features distinguishing both groups are the Cambodian Tablighi Jamaat's disengagement from broader Cambodian society and strict rules for women. According to Eng, the treatment of Tablighi Jamaat women in some of their communities falls far short of the gender ethics established by both the Ministry of Women's Affairs and civil society organizations. In these communities women are usually not allowed to continue their education beyond elementary school, resulting in a lack of fluency in the Khmer language. They seem to be relegated to second class citizenship, and are susceptible to reprimand and punishment.

The Salafi group on the other hand engages with broader Cambodian society. They support an open approach to social and religious developments and promote activities on education for girls. Both groups maintain transnational connections with similar groups in foreign countries such as Saudi Arabia, Kuwait<sup>14</sup>, Malaysia and Indonesia for example. About 38.000 Muslims are members of the Imam Sann group and form a minority within the Cham population. There are currently 53 mosques for the Imam Sann group in Cambodia. Many of their communities are supported by funding from overseas (Kuwait) and other charity organizations. What makes the Imam Sann a global Islamic rarity is their religious ritual to only pray on Friday midday once a week. This is because the Imam Sann followers believe themselves to be already so close to Allah that there is no need to pray five times every day. There appears to be no comparable practice anywhere else in the world. Even though they are such a small group there are still quarrels about religious beliefs within the Imam Sann group itself.

<sup>14</sup> Strangio and Sokhen, *Kuwait to donate \$5million to build Islamic institutions*.

## 2.3 Cham History

Most scholars believe the Cham are descendants of the Sa Huynh<sup>15</sup> and originated in Java, where they engaged in and absorbed a number of Hindu and Indian influences.<sup>16</sup> Cham architecture was markedly Hindu.<sup>17</sup> Early Cham history can be divided into two significant periods. The first one dates from the 2nd to the 10th century, characterized by fighting between Cham and Chinese.

The second important period dates from the 10th to the 15th century and was characterized by fighting between the Cham and the Vietnamese. The Hindu Kingdom of Champa emerged around present-day Danang and dominated present-day central Vietnam. It was mostly known for its international trade.<sup>18</sup>

The loss of their capital Vijaya in 1471 after years of fighting with Vietnam led to a first migration of Cham to Cambodia.<sup>19</sup> Cham had not been entirely Muslims when they first arrived in the 15th century. They were influenced in religious and cultural practices by Malay people and had therefore converted to Islam.

When it comes to history both groups, Cham and Khmer, seem to be highly interconnected with each other because they share the same experience of land loss to Vietnam. Unlike the Chinese and Vietnamese, Cham were considered citizens during the Sihanouk and Lol Nol era.

The Khmer Rouge held power in Cambodia for three years, eight months and twenty days from April 17, 1975 to January 6, 1979. In the beginning Cham are said to have supported the Khmer Rouge in various work units including the militia units as fighters, messengers, drivers and leaders in the fight against the Lon Nol „usurper“. Little to nothing did they know about the Khmer Rouge's ideological intentions by then. In 1973, when the Khmer Rouge almost controlled 90% of Cambodia's territory<sup>20</sup> they simultaneously changed the treatment of Cham people and attempted to eliminate the Cham society and abolish their Islamic beliefs. The so-called „soft“ approach in the initial battle against the Cham inclu-

<sup>15</sup> The Sa Huynh culture was a culture in modern-day central and southern Vietnam that flourished between 1000 BC and 200 AD.

<sup>16</sup> Minority Rights Group International, *World Directory of Minorities: Asia and Oceania*. MRG Directory: Cambodia: Cham, 1.

<sup>17</sup> Hardy, Cucarzi and Zolse. *Champa and the Archaeology of My Son*.

<sup>18</sup> Reid, *An Age of Commerce' in Southeast Asian History: Modern Asian Studies*, 1-30.

<sup>19</sup> Champa, however, existed until 1835 when the last enclaves of its territories were taken by Vietnam.

<sup>20</sup> DC-Cam Document: Khmer Rouge Liberated Zone May 1973.

ded propaganda against the religion, destruction of Quran volumes and mosques,<sup>21</sup> removal of traditional Cham dress,<sup>22</sup> forcing Cham to eat pork, prohibiting the Cham language, changing Cham into Khmer names, the ban of Islam,<sup>23</sup> the breakup of traditional Cham communities and placing these people in Khmer villages across the country in order to weaken their sense of unity. Initial resistance such as protests and rebellion in Trea, Koh Phal and Svay Khleang villages in late September and early October of 1975 only resulted in an intensified belief of the Khmer Rouge to murder the Cham rather than „re-educate“ them. The following „hard“ approach killed more than one third of the Cham population. According to Ben Kiernan, 90,000 out of a population of 250,000 died. The Cham had higher rate of loss than any other ethnic group. Only 21 out of 113 imams survived the Khmer Rouge Regime and 85% of Cambodia's mosques were destroyed during this time.

They died of starvation, forced labor, diseases, execution and widespread racial killings under the Khmer Rouge. There is also evidence that the Khmer Rouge's practice of forced marriage was especially used against the Cham minority to split the community into the Khmer population. Cham women were frequent targets of sexual violence. This included „forced marriage and rape (including gang rape, mass rape and rape before execution), survival sex, sexual slavery, mutilation sexual mockery and other abuses“.<sup>24</sup>

At the time of writing, the Trial Chamber has defined the scope for trial 002/02 against former senior leaders of the Khmer Rouge Khieu Samphan and Nuon Chea including „Genocide against the Cham“ as an alleged crime.<sup>25</sup>

The post Khmer Rouge era was marked by different stages of changes and transformations. Surviving Cham had to adapt to find their place in a new Cambodian society and re-establish their Muslim identities. The opening of Cambodia allowed a widespread freedom of religious worship, resulting in global assistance and support from Islamic countries for the Cham.

<sup>21</sup> Women were, for example, forced to reveal their hair and cut it short.

<sup>22</sup> Islam was permitted until 1973.

<sup>23</sup> Kiernan, *The Demography of Genocide in Southeast Asia: The Death Tolls in Cambodia, 1975-79, and East Timor, 1975-80*, 585-597.

<sup>24</sup> Braaf, *Sexual Violence against ethnic minorities during the Khmer Rouge regime*.

<sup>25</sup> Extraordinary Chambers in the Courts of Cambodia, *Trial Chamber defines scope for trial in case 002/02*.

## 2.4 The Cham in Cambodia today

Education has certainly been the key to Islamic restoration, ameliorating the Cham's livelihood and overall living conditions. After the Cambodian government had permitted the establishment of Islamic and mixed-curriculum schools, several education centers were immediately opened. NGOs such as Cambodian Muslims Development Foundation (CMDF) and Cambodia Muslim Student Association (CAMSA) that are supporting Muslims in Cambodia copied Islamic education systems from Malaysia and other countries in Southeast Asia and helped to implement these forms in the country. The Cambodian Islamic Center, for example, offers public education as well as religious and Arabic training for high school students. These students then take the same national examination as students from non-Islamic public schools. The Islamic education in Cambodia operates on village, district and national levels.<sup>26</sup> While a larger number of Cham high school students seem to engage in Islamic and mixed-curriculum schools, the Cambodian high school system only produces few Cham graduates in the end. According to Bredenberg, this phenomenon can be traced back to a lack of interest in education, location of primary and secondary schools in relation to where Cham live, a lack of instruction in Cham, no teaching of Islam, mixed seating and prohibition of headscarves for women<sup>27</sup> and a very small percentage of Cham teachers.<sup>28</sup>

His study additionally found that if at all, Cham parents were increasingly sending their children to Islamic schools since Islamic studies were the main subject, Cham was the language of instruction,<sup>29</sup> boys and girls sat in separate classrooms or on separate sides of the room, flexible school hours and distance to schools were acceptable to them. Most of the few Cham who have the qualification to continue a university career tend to enroll in Arab, Pakistan and Malaysian well established Islamic university education.

When it comes to politics, Cham are certainly involved and represented in government affairs on parliament level. During the 1990s several Cham became active in politics. At present, the most prominent Cham involved at the highest level of politics are Osman

<sup>26</sup> The Cambodian Islamic Center in Kandal province and RIHS's school in Phnom Penh nearly educate one thousand pupils. Islamic schools often receive foreign funds, especially from Malaysia. In 2007 there were about 86 Islamic schools operating in Kampong Cham with about 256 teachers and 23,665 pupils.

<sup>27</sup> His last argument cannot be considered a relevant factor any longer since this issue was resolved in 2008 when the government permitted Cham women to attend school wearing head scarves.

<sup>28</sup> Cham teachers make up 0% to 3% of all state teachers.

<sup>29</sup> Cham as the primary language in the community and not much contact to the outside world: These factors leave many children and especially women with little Khmer skills.

Hassan<sup>30</sup> and Zakaria Adam. They are ministers attached to the Prime Minister and therefore members of Cambodia's new cabinet. Further political key positions represented by Cham are Secretary of State, Under Secretary of State, and there are Parliamentary Representatives and Senators. The different levels of involvement by Cham show that, especially as a minority group, they are aware of the importance of representation in Cambodian affairs. From the general perspective of minority groups, the representation of Cham in Cambodian politics is above average.

Another aspect of integration and ultimate interaction after the Khmer Rouge Regime are without doubt Buddhist-Muslim intermarriages. Statistics reveal that of 526 inter-married couples, 463 couples practice Islam (88%), 54 couples practice Buddhism (10.3%), and 9 couples continue to practice their respective religion (1.7%) and more Cham women married non-Muslims than the other way round.

On account of the described developments we can presume that over time interfaith discrimination has declined and interaction between Buddhists and Muslims has grown and has come to be more accepted in the post Khmer Rouge society.

## 2.5 The Cham and Terrorism

Muslims in Cambodia had to face a turbulent period when they were connected with Islamic terrorism. The terrorist acts of September 11<sup>th</sup>, the Bali bombing in 2002 and the alleged support of the conflict in Southern Thailand were linked to the Cham and caused problems for their communities in the years to come.

Before the September 11 attacks the Cham could freely practice their faith in Cambodia. In the course of time it had even become routine for foreign Muslim teachers to preach and teach in Cambodian Muslim communities. Money and influence pouring in from foreign countries and foreign donor organizations were also tolerated as an accepted practice of support. Yet, all that changed after the September 11 attacks when Cambodia started to fear that their Muslim communities could fall in the orbit of a radicalized version of Islam. In this context media articles criticized the forms of support and publically expressed their concern about an undirected and obscure practice of faith by the Cham. The Bali bombing on October 12, 2002 in Indonesia, which killed over 202 tourists, transferred global Islamic extremism and terrorism even closer and intensified the impact on

<sup>30</sup> Osman Hassan runs some private companies and has several NGOs.



the Cham in Cambodia. Hambali, the man believed to be responsible for the Bali bombing and being closely connected to Osama bin Laden, had spend some time in Cambodia before his arrest in Thailand on August 14, 2003.<sup>31</sup> He had been suspected by US intelligence to be hiding or planning attacks in Cambodia with collaboration from local and foreign Muslims in the country. In the course of these incidents two religious schools in Cambodia<sup>32</sup> were closed since they were under the charges of having links with Islamic terrorism. In addition to that at approximately the same time several foreign religious teachers were arrested including one Cambodian Muslim<sup>33</sup> because they were charged with attempting to commit acts of terrorism in Cambodia.

The increasing export of Cambodian workers or students to other countries in Southeast Asia caused additional accusation of the Cham being involved in the Islamic militancy conflict in southern Thailand. By the end of October 2002 this development was responsible of the Cham's suffering.

Muslims were often suspected of joining and collaborating with insurgents in southern Thailand since they were crossing overland checkpoints.<sup>34</sup>

During this difficult time there was a general lack of understanding for the Cham in Cambodia. The broad Cambodian society actually feared Muslim radicalization. Prejudices strongly affected the Cham's daily life. They had to deal with discrimination from the Khmer and they were also victims to apprehension. Inaccurate reports on Cambodia boosted the fear of Islamic terrorist tensions and radicalization in the country leaving the Cham population confronted with discrimination and serious problems. Reports often served as intensifiers of discrimination. Cambodia was often referred to as a „Wild West“ for terrorism.

„With poor governance and lax border control the country could become a place where radical teaching, covert training, planning and recruitment occur. The community could easily become a safe haven for regional and international terrorists“.<sup>35</sup>

<sup>31</sup> Hambali is still being held as one of the high-value detainees in Guantanamo.

<sup>32</sup> Om al-Qura: religious school in Kandal province.

<sup>33</sup> Sman Ismael was working at Chaom Chao orphanage, an institution supported by RHIS. He was accused of having links to Hambali.

<sup>34</sup> For Cham border crossing on land is not as expensive and dangerous as flying to Malaysia. Sometimes Cambodian workers, most often travelling in groups and do not speak English are denied immigration even though they reportedly had the proper documents.

<sup>35</sup> Institute of Defense and Strategic Studies, Office of the Coordinator for Counterterrorism and US Department of State Washington D.C., *Terrorism in Southeast Asia: The Threat and response*, 5.

As a result of these developments many Cham communities started to take every opportunity to distancing themselves from international terrorist organizations.

The Cambodian Government helped to calm down international and national fear and exaggeration of radicalization in Cambodia by taking strong measures against potential terrorist activities in the country. It consequently showed strong support for the US Government in its fight against terrorism. Some of the government's imposed restrictions included the establishment of a National Counterterrorism Center,<sup>36</sup> the Financial Intelligence Unit (FIU) monitoring suspicious transactions coming from Muslim countries and organizations, the implementation of the counterterrorism law, the money laundering law and the adoption of a law that allows the government to join the ASEAN Convention on Counter-Terrorism aimed at strengthening local and international cooperation in the fight against global terrorist activities. On the other hand Hun Sen repeatedly pointed out that there needs to be differentiation between Muslims and Islamic terrorists:

„Do not put Muslims in Cambodia in the same package as Muslims in other countries. Our support against terrorism does not mean opposition to any race or religion“.<sup>37</sup>

On October 2, 2001 the Ministry of Cults and Religions introduced a drastic circular against Muslims in Cambodia which closed the already narrow space at that time for Muslims in Cambodia. However, only three days later Prime Minister Hun revoked this paper, claiming it tightened constraints on religious freedom for Muslims in Cambodia.<sup>38</sup> Thus, religious sensitivity towards Muslims has been and still is recognized by the Cambodian Government.

There are also several factors within Cham communities that seem to make a possible growth of Islamic militancy unlikely in Cambodia: There has been no clear cause for the Cham to be anti-western and anti-US, there has been no aspiration for autonomy within Cambodia or Indochina, there has been no aspiration for political control of the Cambodian Government and the Cham enjoy the freedom of religion. Furthermore, as described earlier, Cham communities are integrated into mainstream Cambodian society. They shared the same experiences under the Khmer Rouge as Khmer, they often live within the same poor living standard as the rural Khmer and their low education achievements also tend to connect.

<sup>36</sup> Now chaired by Hun Sen's eldest son Hun Manet. He was educated at the military academy of West Point.

<sup>37</sup> Eng, *From the Khmer Rouge to Hambali: Cham Identities in a global age*, 322.

<sup>38</sup> Bugge, *Chams keep Wahabism at arm's length*.

## 2.6 Conclusion

According to Capotori's definition of „minorities“ the Cham people are a minority group that needs to be protected from discrimination particularly because they possess a religious characteristic that differs from those of the rest of Cambodia. Despite the United Nations Minorities Declaration the Cham, at times, still suffer discrimination based on their religion. In such cases they are suspected of participating in terrorist activities or practicing Islamic fundamentalism. But the Cham communities do not seem to be embracing radical Islamic tensions. The very turbulent times from about 2001-2009 diminished and have even improved by now. The Cham are able to practice their religious freedom and traditions. While the government took action in order to prevent Islamic Fundamentalist development in Cambodia it also protected its Cham communities by effectively warning of placing all Muslims under a blanket of suspicion. By now, the Buddhists and the Cham do live together in peace in Cambodia, but the Cham population did not feel the need to assimilate into the majority Khmer culture.

While there has been little social and economic improvement for Cham communities in recent years many Cham still belong to the poorest people of Cambodia and consequently have a hard time making a living. Another problem, in particular for Cham people is the high rate of uneducated members in their communities. Therefore Cham children need to be provided with sufficient education opportunities and families need to understand the importance and benefits that derive from school attendance in the future.

Especially in very restrictive communities, Cham women need support in terms of gender equality and women empowerment. They need to be provided with knowledge about their rights in order to be able to participate in social and political activities in their communities.

## 3. Khmer Krom

Kampuchea Krom (Lower Cambodia) used to be the ancestral homeland of ethnic Cambodians.

Kampuchea-Krom literally means „the lower land of Kampuchea“ and Krom implies „below“ to indicate the „Southern“ part of Cambodia. Kampuchea-Krom was the southernmost territory of the Khmer Empire, and was once known as Cochin China (French). It covers an area of 67,700 km<sup>2</sup> with Cambodia to the North, the Gulf of Thailand to the West, the South China Sea to the South and the territory of the Champa to the Northeast. Today, Kampuchea-Krom belongs to the south-western part of Vietnam. It originally consisted of four provinces and was later divided into 21 provinces and 1 port.<sup>39</sup>



Map of the Delta Region Provinces, Vietnam

<sup>39</sup> Scott and the KKF Research Team, *A brief history of the Kampuchea-Krom*.

Official figures place the ethnic Khmer Krom population at about 7 million in Vietnam and 1.24 million around the globe.<sup>40</sup> When the size of Khmer Krom population became overly influenced by politics the Vietnamese Government then claimed that as little as 1.3 million of Khmer Krom live in Vietnam. According to the Minority Rights Organization (MIRO) the Vietnamese Government apparently designed this number by applying deceptive and misleading procedures. They incorrectly changed many official identification cards of Khmer Krom Buddhists to „ethnic Vietnamese“ or rewrote it to „No religion“.<sup>41</sup>

## 3.1 Khmer Krom culture

While the Khmer Krom's culture, rituals and traditions are deeply connected to Cambodia, there are subtle differences that distinguish them from the Vietnamese culture. That is, Khmer Krom generally speak the Khmer and not the Vietnamese language even though living on Vietnamese territory. Approximately ninety five percent of them live by and practice Theravada Buddhism which is deeply integrated into their culture. Traditionally, it is a religious duty for Khmer Krom young men to live as monks for some period of time in their lives. While they follow the principles of Buddha's teachings and live as an example to his discipline they experience life-changing personal transformation during this time. These monks are then considered as honorable persons with a high standard of moral values, moral education and excessive self-discipline. This procedure has a long and rich history in the Buddhist belief. Buddhist families are filled with pride after their sons have encountered the noble mission of monk life.

About 560 Buddhist temples are spread around Kampuchea-Krom. Traditional monasteries and farms serve as „the backbone“ of the Khmer Krom's unique identity. The monasteries are the essence of Khmer Krom since they guarantee the maintenance of the Khmer language, culture, tradition, rituals, foods, character and personality.

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<sup>40</sup> Immigration and Refugee Board of Canada, *Vietnam: Situation and treatment of Buddhist monks by authorities, including arrests and torture by the police.*

<sup>41</sup> Minority Rights Organization, *Abandoned People: Khmer Krom Seeking Asylum and Refuge in Thailand Investigative research Report 2014.*

## 3.2 Khmer Krom history

As far as historical record is concerned it is important to gain a sense of Khmer Krom's early history in order to relate these historical experiences to their situation today. Most scholars believe that the Indigenous Peoples of Kampuchea Krom referred to as Khmer Krom are ancient descendents of the people of the Nokor Phnom Empire.<sup>42</sup> Archeological excavations provide evidence that the Khmer civilization was established in the 1st century B.C., or during the Nokor Phnom period (1-550).<sup>43</sup>

In the year 1623 it was the first time that the Vietnamese obtained a foothold in Kampuchea-Krom and began their expansion and settlement plans towards the south in which the Kingdom of Champa (2nd to 17th century AD) became their first target.

By 1816 thousands of Khmer Krom had been forced to dig the 'Vinh Té canal and many of them were killed during this compelled work when a deliberate flooding hit this area. During the French colonization of Kampuchea-Krom, beginning 1887, the Khmer Krom entered a temporary period of stability and peace. French colonizers made Bao Dai head of state in 1949 and granted Cochinchina to his government in order to prevent the expansion of the Communist regime toward the South. After this era had ended, an air of tension prevailed again. To illustrate the reoccurring fatal situation for Khmer Krom another particularly significant example of oppression of Khmer Krom needs to be considered: the land reform in 1956 initiated by the Diem regime. This reform allowed the regime to confiscate thousands of hectares of Khmer Krom's farm land.

After the Diem regime had collapsed in 1963 American troops were sent into South Vietnam to help the Republic of Vietnam to prevent the Việt Công's expansion into Kampuchea-Krom. Thousands of Khmer Krom youths joined US Special Forces to fight the VC. Between 1970 and 1972 thousands of Khmer Krom soldiers supported the Lon Nol regime and fought the communists in Cambodia.

On May 13, 1975 the VC government ordered the dissolution of the Khmer Krom Theravada Buddhist Association and the Khmera Nikay Association. Many Khmer Krom were sent to „Reeducation Camps“ and hundreds of them died in the prison.

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<sup>42</sup> Scott and the KKF Research Team, *A brief history of the Kampuchea-Krom.*

<sup>43</sup> Ibid.

At the same time the VC government started implementing its communist land reform policy and sent millions of Vietnamese from the North to live in Kampuchea-Krom.

This is the main reason why Khmer Krom have almost completely lost their farmlands to the Vietnamese.

On December 25, 1978, the armed forces of Vietnam invaded Cambodia and declared victory on January 7, 1979. The VC government installed a Vietnamese client government led by Cambodians. It may therefore not be surprising that Vietnamese interests influenced Cambodia's politics.

Ever since 1979, thousands of Khmer Krom have been fleeing from this poisonous condition in Vietnam. They have left their homeland to seek refuge in other countries because their lives were constantly on the line in Vietnam.

### 3.3 Right violations in Vietnam

While Vietnam has a duty to each and every individual that it serves and must respect their human rights, Khmer Krom, however, continue to experience wide ranging and severe human rights violations in this country today. These violations include violations of religious freedom, land rights, language, culture, tradition as well as restrictions of freedom of expression, association and assembly.

After the nationalization of land in 1975 Khmer Krom were forced to rebuy the land which they had formerly owned. Most often solely unfertile land was offered for sale. Many Khmer Krom were not able to afford the demanded prices and were consequently left to starve. Protests asking for the return of confiscated land were forcefully dispersed by the Vietnamese armed forces. In this context demonstrators were arrested and tortured which led to unwarranted confessions and imprisonment.<sup>44</sup> Therefore it cannot be affor-

<sup>44</sup> Article 87\ 'Undermining the Unity Policy\ Vietnamese Penal code, No 151/1999/QH10, Hanoi, 21.12.1999

1. Those who commit one of the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment:

- a) Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;
- b) Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;
- c) Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;
- d) D) Undermining the implementation of policies for internal solidarity.

2. In case of committing less serious crimes, the offenders shall be sentenced to between two and seven years of imprisonment.

ded to bypass such a vital element as Article 87 of the Penal Code in Vietnam without a mention.<sup>45</sup> When it comes to Article 87 of the Penal Code it is important to notice that it can be interpreted in various ways. As a result of these various possibilities of interpretation it is arbitrarily used against anyone who leads and/or takes part in peaceful demonstrations.

„Those who demand their rights are seen to undermine the unity policy of the Vietnamese Government“.<sup>46</sup>

On account of this law it seems to be a common approach in Vietnam to bring human rights activists to trial without proper legal proceedings, that is without adequate legal representation. With these practices Vietnam continues to violate Article 14 of the International Covenant on Civil and Political Rights (ICCPR):

„Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law“.

Thach Thoul is only one of the many victims that became subject to exactly these proceedings in 2007. He faced charges of „Public Disorder“ and was finally sentenced to six years imprisonment for using phone and internet to contact organizations abroad and to raise attention to the human rights situation in Vietnam. In short, there is a significant number of additional similar cases reported by Human Rights Organizations.<sup>47</sup> Adding more flesh too this matter, the situation for those trying to access and distribute information to the outside world seems to be equally difficult. Journalists and bloggers are exposed to persistent surveillance and their work is restricted by severe regulations.<sup>48</sup> As a matter of fact several Khmer Krom publications promoting a development of the human rights situation in Kampuchea Krom have recently been prohibited by Vietnamese authorities. According to the Minority Rights Organization by March 8, 2013 a total of 32 bloggers and other cyber-dissidents were behind bars in Vietnam, either sentenced or awaiting trial.

<sup>46</sup> Minority Rights Organization, *Abandoned People: Khmer Krom Seeking Asylum and Refuge in Thailand. Investigative research Report, 2014.*

<sup>47</sup> In 2007, the Vietnamese government suppressed a protest of 200 Khmer Buddhist monks in Suc Trang, who were promoting religious freedom and rights to education in the Khmer language. Five Khmer Krom Buddhist monks who were arrested, defrocked and imprisoned for two years in 2007 for leading a peaceful demonstration to freely practice their religion, reported that they were „tortured“ by Vietnamese police and prison guards while in prison.

<sup>48</sup> Amnesty International, *Viet Nam. Amnesty International Report 2013: The State of the World's Human Rights.*



Many of the cyber-dissidents are pursued under the „legal“ mechanism of Ordinance 44.<sup>49</sup> Ordinance 44 allows „administrative detention“ without trial of those who „pose threat to state security or public order“.<sup>50</sup>

Further issues at stake are policies of cultural assimilation, including educational and linguistic restrictions. Despite of a slight improvement, Khmer Krom are still prohibited from learning the Khmer language at public schools. They are also restricted to study their own language at pagodas which leaves many girls and women without any reading or writing skills since their access to pagodas is traditionally limited.<sup>51</sup> When it comes to school education Khmer Krom communities are also facing difficulties. Their poor school attendance rates are partly created by low-income Khmer families needing their children to contribute towards the household economy. Khmer Krom children are additionally struggling with the Vietnamese language making it difficult for them to follow the school curriculum.<sup>52</sup>

Religious discrimination adds to the hardships faced by Khmer Krom living in Vietnam. Their religious freedom is violated by state authorities as they control their practices of faith.<sup>53</sup> Theravada Buddhism is fundamental in constructing the Khmer Krom's ethnic identity and preserving their culture. However, Vietnamese authorities still classify Khmer Krom monks as a threat to their goal of national unity and therefore make them subject of intimidation.

„In Vietnam, freedom of religion is perceived as a privilege to be granted by the government rather than as an inalienable right...“<sup>54</sup> The Khmer Krom have suffered under Vietnamese state policies for years which specifically aim at eradicating their religious and cultural practices.

<sup>49</sup> Vietnam, *Ordinance on handling of administrative violations*.

<sup>50</sup> Minority Rights Organization, *Abandoned People: Khmer Krom Seeking Asylum and Refuge in Thailand*. Investigative research Report, 2014.

<sup>51</sup> Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, 25.

<sup>52</sup> *Ibid.* 26.

<sup>53</sup> An example of restriction is the monitoring of Monetary donations to Theravada Buddhist institutions.

<sup>54</sup> *Ibid.* 10.

## 3.4 Khmer Krom in Cambodia today



As a result of experiencing human rights violations by state authorities in Vietnam many Khmer Krom leaders and demonstrators have been escaping to Cambodia hoping to receive help and support from the Cambodian Government.

While the Cambodian Constitution does not define who is a Cambodian, the Nationality Law adopted in 1996 does. Relevant Article 2 of the Nationality law only provides few specifics about citizenship<sup>55</sup> and Article 4 simply states that a person has Cambodian nationality at birth if he or she is born in Cambodia or has one or both parents of Khmer nationality.<sup>56</sup> Thus the law is far from settling the complex problems of all Khmer Krom people. It rather fuels further controversy because as far as Khmer Krom issues are con-

<sup>55</sup> „Any person who has Cambodian nationality is a Cambodian citizen. Cambodian citizens shall not be deprived of their nationality, exiled, or arrested and deported to any foreign country unless there is mutual agreement“. Cambodia's Law on Nationality, Article 2.

<sup>56</sup> Cambodia's Law on Nationality, Article 4.



cerned the Nationality Law does not clearly define who is a citizen and who is not. In conclusion it leaves scope for interpretation for government officials.<sup>57</sup> But as a matter of fact the Royal Government of Cambodia has on many occasions approved that Cambodian Khmer Krom possess the same rights as Khmer citizens whilst residing in or entering the Kingdom of Cambodia.<sup>58</sup> Despite all of these announcements it has repeatedly failed to do so. An exemplarily case is the murder of Khmer Krom monk Eang Sok Thoeun. He participated with 51 Khmer Krom monks in a demonstration near the Vietnamese embassy in Phnom Penh on February 27, 2007. They were met by more than 150 police and riot police trying to force them into buses in order to be defrocked. But this attempt and an escalation of violence could be prevented through the intervention of human rights workers. Eang Sok Thoeun was closely linked to Youen Sin, president of the Khmer Kampuchea Krom Buddhist Monks Association was found dead in a pagoda in Ang Snoul district, Kandal province, with his throat slashed in three places later that day. Before a possible autopsy his body was buried and he was immediately declared death through suicide by local authorities<sup>59</sup>. In the same way, the Cambodian Government did not protect Khmer Krom abbot Tim Sakhorn in June 2007. In fact, the opposite seems to be the case and Cambodian authority's involvement in the arrest, defrocking, and deportation to Vietnam sent a frightening message to Khmer Krom in both Vietnam and Cambodia.

Not only has the government failed to protect Khmer Krom from arbitrary arrests and imprisonment in Vietnam, but it has also made it very difficult for them to access their guaranteed citizenship. In the process of receiving Cambodian identification cards Khmer Krom are firstly confronted with a loss of identity when they are required to change their family name and place of birth. There are reported cases where Khmer Krom applied for documentation proving their Khmer citizenship including identification cards, birth certificates, family books and resident books, but were rejected on account of not having permanent or fixed addresses in Cambodia. Summing up the given facts so far, the following question seems legitimate at that point: How are Khmer Krom supposed to have permanent residence in Cambodia when born in Vietnam and entering the country in

<sup>57</sup> Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, 77.

<sup>58</sup> In a February 2007 meeting with Ellen Sauerbrey, US Assistant Secretary of State of Population, Refugees and Migration, Cambodian Minister of Foreign Affairs Hor Namhong stated once again that Khmer Krom who are living in the Cambodian territory, are treated and can enjoy equal rights as the Cambodian citizens (Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, 77). Further similar statements were confirmed in numerous official documents, including government communiqués to the office of the United Nations High Commissioner for Refugees (Cambodian Ministry of Foreign Affairs *letter No. 1419, August 2, 2005*) and Cambodia's own Ministry of Justice (Letter from the Deputy Prime Minister and Minister of Foreign Affairs to Minister of Justice, letter No. 7725, November 21, 2006).

<sup>59</sup> LICADHO, *Attacks and Threats against Human Rights Defenders in Cambodia 2007*.

order to seek protection by the government? By refusing them national identity cards they are detained from participating in Cambodian society in the long run because they can neither vote nor send their children to school.

The main reasons for Khmer Krom's difficult status in Vietnam as well as in Cambodia have often been attributed to historical motives and political cooperation between these two governments.

„It is this relationship of solidarity, friendship and influence which underscores the Cambodian Government's reluctance to protect its Khmer Krom people from Vietnamese authority“.<sup>60</sup>

In 2013 political activities of Khmer Krom nationalist groups were restricted by Cambodia's Prime Minister Hun Sen. He named a list of a broad-based Khmer Krom groups which he considered terrorist organizations. Several groups were accused of planning terrorist attacks against the government, training armed forces in Thailand and abolishing the monarchy in Cambodia.<sup>61</sup>

Latest Khmer Krom activities involving the Cambodian and the Vietnamese governments include a controversial statement by a Vietnamese embassy official which sparked outrage among the Khmer Krom people on June 6, 2014. On Radio Free Asia's morning political affairs program a Vietnamese diplomat claimed that Khmer Kampuchea Krom had belonged to Vietnam even before it was officially ceded to it by France in 1949. In other words he denied that Cambodia's historical claim over today's Southern Vietnam had extended up to colonial France's departure in June 1949. The remark sparked protests at the Vietnamese embassy in Phnom Penh. At the time of writing Khmer Krom protesters still demand a formal apology from the embassy spokesman, but so far the embassy has refused to apologize for the controversial remarks about historical claims to the Kampuchea Krom region. Khmer Krom feel severely troubled by the comment as they have suffered from Vietnamese persecution for centuries and continue to be subject to human right violations.

<sup>60</sup> Minority Rights Organization, *Abandoned People: Khmer Krom Seeking Asylum and Refuge in Thailand. Investigative research Report, 2014*.

<sup>61</sup> Sokheng and White, *PM warns of terrorists in opposition*.

## 3.5 Khmer Krom asylum seekers in Thailand

Khmer Krom cannot apply for refugee status whilst within Cambodia as to be eligible for international refugee protection one must be outside the country of origin. As Cambodia recognizes Khmer Krom as Khmer citizens on paper, the UN considers them to be in their country of origin and therefore does not grant them refugee protection in Cambodia. Many Khmer Krom fear deportation back to Vietnam if they stay in Cambodia. For this reason they are forced to continue to Thailand where they face new difficulties.

The number of Khmer Krom asylum seekers who receive refugee status by the UNHCR in Thailand is very limited. In the majority of cases refugee status is rejected as a study by MIRO representing 82 Khmer Krom asylum seekers in Thailand shows.<sup>62</sup> These people live in fear of being arrested by Thai authorities in collaboration with Cambodian intelligence police and being deported to face imprisonment in Cambodia or Vietnam. This recently happened with Mr. Thach Teu, Buddhist monk, Thach Kung Fuong, Mr. Yaing Yav, Mr. Kheum Khmera and Mr. Thach Yoeung Yerp, who were forcibly returned to Cambodia and detained in March 2013.

When MIRO interviewed Khmer Krom asylum seekers in Thailand they reported a number of difficulties for Khmer Krom people during the application process. Language limitations, communication problems, poor levels of education and insufficient documentation proving their persecution in Vietnam cause credibility problems and consequently quite often prevent refugee status in Thailand. Khmer Krom's living conditions in Thailand are poor. They are often victims of arbitrary police arrests and many Khmer Krom children do not attend school. „The vast majority of Khmer Krom parents do not understand the enrolment process, nor do they understand the rights of their children to access education“.<sup>63</sup>

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<sup>62</sup> Out of 82 Khmer Krom asylum seekers in Thailand 60% (50) have been rejected refugee status. Of the remaining 32 persons, 19 were under reconsideration, eight persons bore nothing and five were recognized as refugees by the UNHCR Bangkok Office.

<sup>63</sup> Minority Rights Organization, *Abandoned People: Khmer Krom Seeking Asylum and Refuge in Thailand. Investigative research Report, 2014.*

## 3.6 Conclusion

The Khmer Krom's struggle to retain a unique identity, culture and religion runs through their history. Living in modern day southern Vietnam they continue to be subject to oppression and persecution by the Vietnamese Government. Therefore they flee human rights violations in Vietnam and seek a safer place in Cambodia. In theory they are recognized as citizens of Cambodia, in practice, however, they face major difficulties when it comes to receiving ID cards. Since they often do not find the safety they had wished for, their difficult journey finally leads them to Thailand where they are trying to receive asylum. Yet, in Thailand they are confronted with new problems. Besides complaints of discrimination it is undoubtedly true that Khmer Krom are disproportionately poor, and disproportionately lacking in education.

On account of the reasons mentioned, an escape from the vicious cycle of discrimination, oppression and violation of human rights almost seems impossible for Khmer Krom people today. Now that their incredibly challenging situation has not improved but rather turned more difficult with regard to the military junta being in power in Thailand these days, it is important to raise awareness for this minority's „hidden problems“. Initial improvement of the Khmer Krom's situation in Cambodia can be achieved if the Royal Government of Cambodia considers a formal implementation of Khmer Krom's citizenship into Nationality Law, revises the discriminating process of citizenship application and abides by its own constitution and responsibilities. Vietnamese authorities need to improve their respect for fundamental rights and religious freedom for Khmer Krom communities to maintain their distinct identity and culture.

## 4. The Vietnamese

The ethnic Vietnamese in Cambodia are a heterogeneous minority. They comprise a variety of sub-groups with very different backgrounds. There are those who recently immigrated seeking economic opportunities, investors and business people, illegal migrants, and different types of border traders or those who were born in Cambodia. This text focuses only on those ethnic Vietnamese who were born in Cambodia and whose parents had migrated to Cambodia a long time ago. It does not refer to those who legally or illegally migrated to Cambodia in the past 10 to 20 years.

### 4.1 Vietnamese history

The Vietnamese are historically perceived as a threat to Cambodian society because memories of territorial loss have shaped their Cambodian perception of Vietnam. Cambodians are still suspicious and fear further invasions and dominance by the Vietnamese. The Vietnamese's first foothold in Kampuchea Krom dates back as early as 1623. Additional waves of immigration, ambitious expansion, and settlement plans towards the south followed in the years to come. As a result of the migration to Kampuchea Krom the Vietnamese culture was established in those areas. Vietnam was unified at the beginning of the nineteenth century.

During the late French colonial rule in the Vietnam in the 1940s political tensions increased. While a large amount of the funds for French forces came from the US, the Chinese supported the Viet Minh to become an effective military force. The Vietminh fought for Vietnam's independence and later increasingly cooperated with anti-French forces in Cambodia.

In 1953 Cambodia became independent and power was handed over to King Sihanouk.<sup>64</sup> He abdicated the throne in 1955 in order to increase his political influence. King Sihanouk was deposed in a coup d'état by General Lon Nol in 1970 which paved the way for drastic changes in Cambodia.

<sup>64</sup> Chandler, *History of Cambodia*, 184-186.

As soon as the Lon Nol regime had come to power, anti-Vietnamese sentiments were on the rise. Not only because of the historically troubled relationship, but also because King Sihanouk had secretly allowed North-Vietnam to use Cambodian grounds for military actions against the US troops in South Vietnam.<sup>65</sup> Resentments against the Vietnamese turned into outbreaks of violence and left several thousand dead and caused more than 100,000 to flee back to Vietnam.<sup>66</sup> Cambodian resistance forces were supported by North Vietnam, and the Khmer Rouge in warfare against Lon Nol troops.

During the 1970s the trouble for Vietnamese in Cambodia intensified and their situation became more and more unsafe because Lon Nol fighters accused them of being agents or instruments of a Vietnamese intervention or of supporting and providing Khmer Rouge with food and medicine.

In the first half of 1973, the United States deferred the communist victory by conducting heavy bombing campaigns on Cambodia. But on April 17, 1975 after years of war the Khmer Rouge finally took over Phnom Penh and officially governed the country.

It was not long after the Khmer Rouge came to power that anti-Vietnamese sentiment reached its peak and ethnic Vietnamese were forced out of Cambodia. About 150,000 to 170,000 ethnic Vietnamese were expelled from Cambodia in mass deportation between April and October 1975.<sup>67</sup> The number estimated for ethnic Vietnamese who remained in the country ranges between 20,000 to 30,000 people. The most common reason to remain at that time was marriage to a Cambodian. In mid-1976, the Khmer Rouge allowed no more ethnic Vietnamese to leave the country<sup>68</sup> and then proceeded to kill any ethnic Vietnamese who remained.<sup>69</sup> At least 20,000 ethnic Vietnamese became victims of systematic massacres by the Khmer Rouge. According to Rochelle Braaf, ethnic Vietnamese women were frequent targets of sexual violence.<sup>70</sup> By the end of the Khmer Rouge regime in 1979 the Vietnamese minority had completely been eradicated in Cambodia.<sup>71</sup>

<sup>65</sup> Shawcross, *Sideshow. Kissinger, Nixon and the Destruction of Cambodia*.

<sup>66</sup> Chandler, *History of Cambodia*, 204-205.

<sup>67</sup> Chhim; Ly; Meyer; and Sao, *Life Before Expulsion: Community History from Vietnamese Minorities in Kampong Chhnang*, 26.

<sup>68</sup> Kiernan, *The Pol Pot regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*.

<sup>69</sup> There are reports that officials forced Khmer spouses to kill their Vietnamese wives. Even ethnic Khmer trained by Vietnamese military were executed. One Khmer Rouge cadre has stated, „If a person was ethnic Vietnamese, it was certain that they wouldn't survive. Once they were discovered, that was it". (Braaf, *Sexual Violence against ethnic minorities during the Khmer Rouge regime*).

<sup>70</sup> Braaf, *Sexual Violence against ethnic minorities during the Khmer Rouge regime*.

<sup>71</sup> Chhim; Ly; Meyer; and Sao, *Life Before Expulsion: Community History from Vietnamese Minorities in Kampong Chhnang*, 26.

At the time of writing, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) has defined the scope for trial 002/02 against former senior leaders of the Khmer Rouge Khieu Samphan and Nuon Chea including „Genocide against the Vietnamese“ as an alleged crime.<sup>72</sup>

On January 7, 1979, the reign of terror of the Khmer Rouge came to an end when Vietnam invaded Cambodia. A pro-Vietnamese People’s Republic of Kampuchea (PRK) was established<sup>73</sup> and the country was under Vietnamese rule from 1979-89. While Cambodia was under Vietnamese occupation, ethnic Vietnamese who had been expelled under both the Lon Nol and the Pol Po regimes and survived in refugee camps returned to Cambodia after the genocide. By that time they simply settled wherever they could.

<sup>72</sup> Extraordinary Chambers in the Courts of Cambodia, *Trial Chamber defines scope for trial in case 002/02*.

<sup>73</sup> But it was not recognized by the United Nations.

## 4.2 Culture, religion and living conditions



The number of ethnic Vietnamese living in Cambodia today varies greatly. In the mid 1980s PRK’s official claim was that only 56,000 Vietnamese migrants resided in Cambodia, while at the end of the 1980s various statements by the Coalition Government of Democratic Kampuchea (CGDK) claimed more than one million Vietnamese ‘settlers’ in Cambodia.<sup>74</sup>

Today it is estimated that the ethnic Vietnamese population accounts for 5% of Cambodia’s total population of almost 15 million.<sup>75</sup>

<sup>74</sup> Nguyen and Sperfeldt, *A boat Without Anchors*, 16.

<sup>75</sup> Central Intelligence Agency (USA), *The World Fact Book. Cambodia*.

Many of those who returned to their home country Cambodia after the genocide live in floating houses today. Around 300.000 to 500.000 live in these houses around the Tonle Sap lake and the Tonle Sap river. Their floating houses „are erected on an assembly of bamboo poles with barrels attached underneath so that they float on the water. Usually, the houses have two or three rooms, which have no windows to protect their inhabitants from the rain, nor electricity or bathrooms; the toilets are latrines that open directly into the water“.<sup>76</sup> Floating houses generally harbor a considerable amount of danger for their inhabitants. Children are constantly at the risk of falling into the water. The houses are fragile anyway, but they are additionally exposed to very different weather conditions. Strong winds, erosion, and large waves in the rainy season cause frequent reparation and for that reason also costs. Some of the families cannot afford to repair the damage and consequently have to live in broken houses. The construction of the floating houses rests on a simple wooden plank just above the open water. This kind of home also poses a threat to people’s health conditions caused by poor hygienic standards. The water used for drinking and washing is the very same water that is contaminated.<sup>77</sup> Diseases such as typhoid, diarrhoea, high blood pressure, and allergic reactions, eczema are frequent in these areas. Diarrhoea is the primary cause of children’s death in these communities.<sup>78</sup>

According to MIRO it is crucial that the lifestyle of ethnic Vietnamese must not be regarded as a tradition. Since the ethnic Vietnamese were no longer regarded as residents, but as immigrants after their return in the 1980s they were not allowed to possess land anymore and therefore did not have another choice but to settle on the water.<sup>79</sup> At the same time it is also necessary to note that some of these Vietnamese people are traditional fisher families and therefore chose to live close to waters.

Life on floating houses obviously offers the possibility of fishing, which is the main source of income for these people. Weather is a critical factor for the fisher communities’ survival. There is a lot of fish to catch during the fishing season between November and May which makes it a profitable business. The fish spawning season between June and October, however, is difficult for the fisher families since fishing is prohibited. In order to have partial wage compensation some work as boat mechanics during this time. Other sources of income are for example small scale shops. These merchants have small shops mostly at traditional markets and sell for example household goods, groceries (also fish-paste) and clothes.

<sup>76</sup> Minority Rights Organization, *Limbo on earth: An Investigative Report: On the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia, 2014.*

<sup>77</sup> Lien Aid, *Cambodia Case Study 1: Floating Toilets for the Floating Villages in Tonle Sap Lake.*

<sup>78</sup> Ibid.

<sup>79</sup> Minority Rights Organization, *Limbo on earth: An Investigative Report: On the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia, 2014, 9.*

It is believed that most Vietnamese follow Khmer Buddhism nowadays.<sup>80</sup> Some Vietnamese are Mahayana Buddhists,<sup>81</sup> whereas Khmer usually are Theravada Buddhists. These forms of Buddhism differ by their way of dressing and with regard to their social structure.<sup>82</sup>

## 4.3 Difficulties faced by ethnic Vietnamese today

Ever since their reappearance ethnic Vietnamese have been treated as immigrants by the Cambodian authorities regardless of how many generations their families had lived in the country before their forced deportation to Vietnam. They are not considered as Cambodian citizens by the Cambodian government because they are not ethnically Khmer. For that reason many of them do not possess birth certificates and ID cards. It is undoubtedly true, that this is the source of incredible difficulties for ethnic Vietnamese. Their current nationality status, living without ID cards and birth certificates, exposes them to risk of statelessness, prevents them from voting, claiming social rights and it makes them victims of a number of interrelated problems. According to MIRO only a small percentage of ethnic Vietnamese are in possession of ID cards and if so they were often only able to obtain them by paying bribes to the local authorities.<sup>83</sup>

One of these mutually related difficulties ethnic Vietnamese face is the requirement of birth certificate for school enrolment. Many ethnic Vietnamese children cannot attend school because, as noted above, they lack birth certificates. It has to be emphasized, though, that the right to education is a constituent of many international treaties such as the Universal Declaration of Human Rights, the International Covenant on Economics, Social and Cultural Rights (ICESCR). As Cambodia signed and ratified the ICESCR, the government is obliged to respect its provisions.

<sup>80</sup> Phnom Penh Post, ... *while many Vietnamese strive to be Khmae-sot.*

<sup>81</sup> The major doctrinal point that distinguishes Mahayana from Theravada is that of shunyata, or „emptiness.“ Shunyata is a deepening of the doctrine of anatman, or anatta, which is one of the foundational teachings of all Buddhism. According to this doctrine, there is no „self“ in the sense of a permanent, integral, autonomous being within an individual existence.

<sup>82</sup> Minority Rights Organization, *Limbo on earth: An Investigative Report: On the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia, 2014, 9.*

<sup>83</sup> Minority Rights Organization, *Limbo on earth: An Investigative Report: On the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia, 2014, 6.*



MIRO's study indicates that ethnic Vietnamese do not get birth certificates for their children when trying to register their child with the local authorities. They are told that there is no such procedure for their purpose. But Sub-decree 103 on Civil Registration, art. 27 provides the right to apply for a birth certificate, if the following conditions are fulfilled:

1. The parents must be immigrants or foreigners;
2. They must have lived lawfully in the Kingdom of Cambodia;
3. The child must have been born in Cambodia;
4. The parents must live permanently in the community in which they will ask for a birth certificate.

Undoubtedly, there is a conflict between what is stipulated by law and how this theory is transferred in practice. Most of the children although having been born in Cambodia cannot be registered and consequently do not have birth certificates even though their families' roots reach back generations. For ethnic Vietnamese, Cambodian authorities seem to fail the implementation of this law. Policy is one thing, implementation another. If Cambodia does not want to fail to abide to its own law, ethnic Vietnamese children, who are marginalized anyways, should be provided with birth certificates as long as they were born in Cambodia. However, it must be kept in mind that the facts of some cases might differ, and therefore it cannot generally be said that ethnic Vietnamese as a minority group are all entitled to Cambodian nationality.

Additionally, there are several more reasons why many Vietnamese children do not attend school in Cambodia. One of the major problems is the huge poverty rate among these people. Thus, children are needed to support their parents to make a living. There is also small percentage of Vietnamese children managing to go to school and to support their families. However, they are occasionally expelled from school because they cannot attend class regularly as they need to support their families from time to time. This in turn leads to high illiteracy rates in the Khmer language among ethnic Vietnamese communities.

Many families tend to speak Vietnamese at home as it is their native tongue and they are insecure whether they will be able to stay in Cambodia or not. They fear deportation back to Vietnam and therefore want their children to learn Vietnamese.<sup>84</sup> With regard to the

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<sup>84</sup> *Limbo on earth: An Investigative Report: On the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia, 2014, 11.*

ongoing nationwide census of sending undocumented immigrants out of the country, their fear is justified since at least 329 foreigners have been deported so far - most of them Vietnamese.<sup>85</sup>

Another prominent issue that affects ethnic Vietnamese in a negative way is that they are prevented from voting in Cambodia. Once more, they need to present their legal identity papers such as birth certificates and ID cards in order to be allowed to vote in elections. As mentioned previously, they are not in possession of these documents and therefore they are refused to vote because they cannot prove their identity.

Moreover, ethnic Vietnamese are experiencing discrimination from local authorities and Police. According to MIRO, authorities such as immigration police, economic police, water traffic police, military police, soldiers, security guards arbitrarily arrest fishing community members based on their lack of identification papers. There are many reported cases that „if ethnic Vietnamese have money to give to the police at once, they will not be arrested or subject to restrictions“.<sup>86</sup>

As already mentioned, anti-Vietnamese sentiment runs deep in Cambodia's society. Especially the time of Vietnamese occupation has led to a widely shared fear of Vietnamese dominance in Cambodia. As a result, discrimination today is mostly rooted in the history of these neighbouring countries as Cambodia has lost territory to Vietnam and was occupied by Vietnam after the defeat of the Khmer Rouge which are facts deeply engraved in Cambodians' minds. Yet, resentment against ethnic Vietnamese seems to be even more on the rise. Bound with historical grievances, fears of uncontrolled immigration, and political populism, they face daily discrimination by Khmer people. Recently, this antipathy has even led to violent attacks. A Vietnamese man became victim of a racist mob in February 2014. He was attacked and killed due to discrimination after he had a motorcycle accident in Phnom Penh.<sup>87</sup> Exemplary cases of widespread discrimination against ethnic Vietnamese occurred at several polling stations on July 28, 2013 on election-day. There are several reported cases where ethnic Vietnamese were racially charged and blocked from voting by aggressive mobs of Cambodians.<sup>88</sup>

Ethnic Vietnamese have also often been targets for political attacks. In the latest election in 2013 they were again exploited for political gain by opposition parties. While the CPP, which emerged out of a Vietnamese-installed regime in the 1980s, is seen as cosy with

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<sup>85</sup> Murray and Muong, *A Vietnamese village in limbo*.

<sup>86</sup> Minority Rights Organization, *Limbo on earth: An Investigative Report: On the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia, 2014, 18.*

<sup>87</sup> Mengleng, *Vietnamese man killed in racist mob attack*.

<sup>88</sup> Ponniah, *Cambodia's Vietnamese community finds voting is not necessarily a right*.

Vietnam, the opposition leader, in contrast, is accompanied by resurgence in his party's anti-Vietnamese hate speech. Three days before the election Sam Rainsy, the opposition leader, was reported saying:

„I pity Khmers very much. They have lost their farmland, because Yuons<sup>89</sup> are always coming in, and the authorities do not protect their fellow Khmers at all, but protect the invading Yuons. Now they have brought Yuons to vote for Hun Sen, so Khmers should vote for Sam Rainsy to protect our territory“.<sup>90</sup>

Statements such as this one serves as stimulation of the already racist atmosphere in Cambodia.

## 4.4 Conclusion

Without legal identification papers ethnic Vietnamese are caught in a vicious cycle incredibly difficult to escape. The weak application of the nationality law and the lack of a clear naturalization process leave them in a legal grey zone. The consequences of undocumented go beyond the right to vote. Vietnamese continue to suffer from discrimination, poverty, health problems, and do not have access to many basic economic, political, judicial and social rights.

On account of the above mentioned reasons, ethnic Vietnamese children should receive birth certificates in order to have the same opportunities as all other children in this country. The Cambodian Government should enforce the procedures for nationality by birth and naturalization by application so that ethnic Vietnamese will be eligible to receive ID cards. Cambodia's discrimination against ethnic Vietnamese, from state authorities as well as from their fellow citizens, must stop immediately in order to allow for a peaceful community life. Ethnic Vietnamese should be able to become an integral part of Cambodian society.

The Cambodian government has a major role when it comes to keeping its ethnic Vietnamese minority safe. This minority is so vulnerable to social and political discrimination, and particularly those who were persecuted during the Khmer Rouge regime and continue to suffer grave injustice from political ostracism, discrimination and disregard of their human rights. These people are struggling so hard to uphold a living; they need the government's support and protection.

<sup>89</sup> 'Yuon' is a cuss term for Vietnamese people that can be derogatory in some contexts.

<sup>90</sup> Ponniah, *Cambodia's Vietnamese community finds voting is not necessarily a right*.

# 5. The Indigenous Peoples

In 2001 the Cambodian government developed a Land Law, which recognizes many of the difficulties related to the rights and status of Indigenous Peoples. It almost regulates all absent indigenous rights in the Constitution of 1993. The „Indigenous communities“ are defined and protected in the Land Law as:

„a group of a people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rule of collective use“.<sup>91</sup>

Further significant laws and policies where the Cambodian government has made reference to the legal protection of Indigenous Peoples' customary rights, cultural traditions, use of community forests, reforestation, the conservation of natural resources and forest protection are the 2002 Forestry Law, the 2009 National Policy on Development of Indigenous Minorities, the 2009 Policy on Registration and Right to Use of Land of Indigenous Communities in Cambodia and the 2009 Sub-Decree on Procedures of Registration of Land of Indigenous Communities, among others.

## 5.1 Size and location

There is a controversy between indigenous affairs analysts and the General Population Census of Cambodia 2008 when it comes to the number of the total indigenous population in Cambodia. According to the 2008 population census, 1.34% of the total population (about 179,000 people) are considered indigenous.<sup>92</sup> This figure of the Indigenous Peoples population is based on how many people reported an indigenous language as their mother tongue. Conversely, many researchers content that the methods used by the

<sup>91</sup> Land Law, Article 23. 2001.

<sup>92</sup> The General Population Census of Cambodia 2008.

census produced a serious under-counting. They claim that there is a notable amount of Indigenous Peoples who are not able to speak their people's language or do not feel confident admitting that they are indigenous. Therefore they finally counted as many as 190,000 Indigenous Peoples in Cambodia.

Cambodia is home to an estimated 24 different indigenous ethnicities.<sup>93</sup> According to the Indigenous Peoples NGO Network, they live in 15 of Cambodia's 24 provinces.<sup>94</sup> The majority of indigenous communities are located in the northeastern provinces of Monduliri and Ratanakiri. At the same time these provinces still have a majority indigenous population.<sup>95</sup> Almost all different indigenous ethnic minority groups have their own indigenous language.

The S'aoch one of Cambodia's Indigenous groups is on the verge of extinction. They belong to one of the world's most endangered tribes as the estimated number of S'aoch people is only 110. They also speak one of Cambodia's oldest languages, S'aoch. This language appears to be one of most endangered languages. According to Jean-Michel Filippi, a linguist who has studied the S'aoch language for a decade there is a register of 4,000 words of S'aoch. But he fears the imminent demise of the S'aoch language because only 10 people speak it fluently, and none of them uses it in daily conversation. Filippi additionally points out that the decline of S'aoch has less to do with the low numbers of people who speak it, as it rather depends on the attitude of the people themselves. Many S'aoch are said to be abandoning traditional customs to speak Khmer.<sup>96</sup>

<sup>93</sup> According to Phath and Sovathana: „Kingdom of Cambodia: Country Technical Note on Indigenous Peoples' Issues“. 2012, p.9 there are 24 groups of indigenous minorities in Cambodia such as Broa, Chhong, Jarai, Kachak, Kavet, Kel, Koang, Kouy, Kreung, Krol, Phnong, La Eun, Lun, Mil, Por, Radei, Ro Ang, S'aoch, Sam Rei, Souy, Spong, Stieng, Thmoun and Tompou. Phath and Sovathana, *Kingdom of Cambodia: Country Technical Note on Indigenous Peoples*, 9.

<sup>94</sup> These provinces are: Monduliri, Ratanakiri, Kratie, Stung Treng, Preah Vihear, Kuoy, Kampong Thom, Koh Kong, Pursat, Kampong Speu, Sihanoukville, Battambang, Banteay Meanchey, Oddar Meanchey, Kampong Cham and Siem Reap.

<sup>95</sup> ISCO, report 2009, 4.

<sup>96</sup> Carmichael, *Development Cambodia: Minority Languages Face Extinction*.

## 5.2 Indigenous Culture

Indigenous culture and tradition are essential for the preservation of indigenous identity. Indigenous Peoples have always lived in widely-dispersed communities. Forest land is the meaningful and constituent basis for their livelihood. Their livelihood is based on rice cultivation; they collect non-timber forest products from the natural forest (i.e. chopping rattan and plucking vine, tapping resin, picking cardamom, searching for quintessence of the Kreusna tree). The forest further provides them with valuable resources as wild animals, plants, resin, medical plants, and wood for construction materials or tools. Rotational farming of land and natural resources is based on the cultivation of plots of forest covered areas which are later abandoned to allow vegetation re-growth. But the forest does not only serve them as source of subsistence, it is also a place of spirit where they honor their ancestors. Thus, the land is also used as spirit forest, burial forest – as well as in various other social and cultural ways. The spirit of the forest is the religious foundation of the community.

The history and identity are tied to their territory through memories, stories and sacred and archeological sites. But nowadays Indigenous People's means of subsistence, the relationship with their territory and their ability to continue to live as Indigenous Peoples and to maintain their own identity are deeply affected by environmental impacts.<sup>97</sup>

Indigenous Peoples usually live in self-organized autonomous villages governed by a council of elders. These men and women belong to the wisest and most experienced of the community. They are responsible for the maintenance of peace and solidarity among their village people, they help to make decisions and they can also dissolve disputes based on customary law.<sup>98</sup> It is common that a house located in the middle of each village is a symbol of communitarian life.

The traditional role of men and women<sup>99</sup> in these indigenous communities differs; but it is divided into relatively equivalent work. Women's traditional tasks are for example, finding and preparing food, medicine, taking care of pouring water, and they tend and cultivate fields. Women play many different roles of authority and prestige within the communities, such as elders, religious leaders, healers, midwives, medicine women and they are concerned with very important matters such as life and death.<sup>100</sup>

<sup>97</sup> Amazon Watch, *The Right to Decide: The Importance of Respecting Free, Prior and Informed Consent*, Briefing Paper, 2.

<sup>98</sup> Phath and Sovathana, *Kingdom of Cambodia: Country Technical Note on Indigenous Peoples*, 9.

<sup>99</sup> Information on the issue of the traditional role of men and women is from Maffi, *Indigenous women and men dealing with changes: An introduction to gender analysis*.

<sup>100</sup> Maffi and Sineath, *Promoting political participation of indigenous women in Cambodia*, 3.

When it comes to partnership relations they are free to choose their husbands. They could make decisions about their own life which was protected by common laws. The number of sexual offences is reported to be infrequent.

Men are mainly responsible for physically demanding work. They cut trees for new fields, built new fences, repaired the houses, and they went hunting and fishing to provide family food. Overall, both genders had different jobs, however, the men's role was not seen inferior in comparison to the women's role. But the life of Indigenous Peoples was not always easy and happy; their daily life was actually of hard work and they were also confronted with difficulties and problems.

Religious practices differ between the indigenous groups but all are bound to and associated with their environment, and by their use of swidden agricultural techniques. Ceremonies and festivals contribute to strengthen the solidarity within their village. In the dry season, communities clear swidden land by burning the timber and underbrush.

## 5.3 Difficulties faced by Indigenous Peoples today

Without legal identification papers ethnic Vietnamese are caught in a vicious cycle incredibly difficult to escape. The weak application of the nationality law and the lack of a clear naturalization process leave them in a legal grey zone. The consequences of undocumented go beyond the right to vote. Vietnamese continue to suffer from discrimination, poverty, health problems, and do not have access to many basic economic, political, judicial and social rights.

On account of the above mentioned reasons, ethnic Vietnamese children should receive birth certificates in order to have the same opportunities as all other children in this country. The Cambodian Government should enforce the procedures for nationality by birth and naturalization by application so that ethnic Vietnamese will be eligible to receive ID cards. Cambodia's discrimination against ethnic Vietnamese, from state authorities as well as from their fellow citizens, must stop immediately in order to allow for a peaceful community life. Ethnic Vietnamese should be able to become an integral part of Cambodian society.

The Cambodian government has a major role when it comes to keeping its ethnic Vietnamese minority safe. This minority is so vulnerable to social and political discrimination, and particularly those who were persecuted during the Khmer Rouge regime and continue to suffer grave injustice from political ostracism, discrimination and disregard of their human rights. These people are struggling so hard to uphold a living; they need the government's support and protection.

### 5.3.1 Change of traditional roles

Community members have been heavily influenced by these changes, on individual as well as on interpersonal matters. In this context, men appear to be more easily seduced by offers of market economy and by social environment that is culturally male biased. They are often hired by companies at very low wages and earn some little money for their families. The current economic development is focused on competition and wealth accumulation which often leads to frustration sublimated in compelling behaviour like alcohol abuse. It is facilitated by a new male biased vision of social and personal life; stereotypes are replacing man's positive roles. Frustration and alcohol abuse sometimes even result in domestic violence. This in turn marginalizes the situation of women in their communities. Women's tasks are now to take care of the children, husband and elders, to provide family farms and to handle daily tasks in their community. The traditional role of women has been downsized because their work is not a source of cash these days. In contrast to the traditional status of women, as mentioned previously, their status today has changed tremendously. This is because the work of men and women is not valued as relatively equivalent anymore.



## 5.3.2 Land grabbing and dams



One of the most serious problems for Indigenous Peoples is that they have been victims of land grabbing for the last couple of years. A large part was leased to foreign companies in the form of Economic Land Concessions (ELC) for agro-industrial development of cash crops such as rubber, cassava, and soy beans.<sup>101</sup> Indigenous Peoples have experienced increasing land alienation and commercial pressure. As mentioned previously, they rely on land to support their livelihood, culture, traditions and spiritual beliefs. Land is the foundation for livelihoods, social organization, and identity.

Many indigenous communities live on land rich in natural resources. There was no comprehensive legal framework for the registration of land ownership because Cambodia's Khmer Rouge regime had abolished the concept of private property in 1975. When the

<sup>101</sup> Baird, *Reflecting on Changes in Ratanakiri Province, Northeastern Cambodia*, 65-73.

terror of the Khmer Rouge regime ended in 1979 most records had been destroyed and only few titles existed from before this era. Therefore, many people basically settled where they could. Most of their land offers great possibilities for industrial agriculture, particularly for rubber, which „thrives in the highly-prized red volcanic soils of the northeast'.<sup>102</sup> Part of the Indigenous Peoples' forests offer valuable timber, which can be logged – and sold – after clearance.

Today „the Economic Land Concessions have been the most prominent tool for land grabbing since 2001. It is a program which allows the government to grant up to 10,000 hectares of state land – for up to 99 years – to private companies for industrial agriculture."<sup>103</sup> This program, however, has been heavily criticized since many of the companies receiving concessions have close ties – often family ties – to high ranking members of the government. Companies often clear lands without accessing environmental and social impacts. Additionally, a large majority of ELCs' granted land overlap with indigenous land. Transparency is said to be non-existent and ELCs-related corruption is frequent and well documented.<sup>104</sup> Money and power are used to buy plots at low prices or to manipulate Indigenous Peoples out of their lands. Intimidation and forced displacement are common practices.<sup>105</sup>

In 2002, the Cambodian Government attempted to resolve ongoing land loss for Indigenous Peoples with the creation of Communal Land Titles (CLTs). The Land Law in Cambodia, Article 26, explicitly recognizes the concept of collective ownership of land for indigenous communities in the form of communal land titles. However, it took the government until 2009 to implement how indigenous collective titles are to be issued. It is a lengthy three step process that involves three government ministries; and thus three consecutively very complicated steps for the Indigenous communities. To acquire such a communal title Indigenous Peoples therefore have to go through processes of mapping, the community's self-identification, drafting and registering the community as legal entity communities. This process is found fault with the fact that as of August 2014, only 8 communities have been granted communal titles since the Land Law was passed in 2001. There are currently 99 recognized communities but no estimate of how many remain unregistered. 76 communities have been suggested for registration, and the government intends to register 10 communities per year for the next four years.<sup>106</sup>

<sup>102</sup> Vize, and Hornung, *Indigenous Peoples and Land Titling in Cambodia: A study of six villages*.

<sup>103</sup> Ibid.

<sup>104</sup> Indigenous Peoples NGO Network, *The rights of Indigenous Peoples in Cambodia*.

<sup>105</sup> There are various case studies proving these accusations. Indigenous Peoples NGO Network, *The rights of Indigenous Peoples in Cambodia*; Rabe, *Directive 01 BB in Ratanakiri Province. Cambodia*; Asia Indigenous Peoples Pact Foundation, *Indigenous Peoples and Corporate accountability in the ASEAN*.

<sup>106</sup> Sen, *Indigenous Groups urge action on land*.



On July 9th, 2012, the Cambodian Government launched a private-titling plan, „Directive No.01“ allegedly introduced to help solving land disputes. This „policy aimed to expedite the systematic issuance of private land titles over 1.2 million hectares to 350,000 families that live within ELCs, forest concessions or state public land“ and to resolve Indigenous Peoples’ disputes with companies. In theory, over 2,000 youth volunteers were sent to provinces to measure land, the proposed boundaries are publically posted, and the potential claimants to the land are given 30 days to file an objection. If there are no objections, a title is awarded to the occupant according to the parameters sketched by the student-surveyors. In practice, however, students are reported to have scared Indigenous Peoples, provided them with misinformation and forced them to sign individual land titles.<sup>107</sup>

Even though Indigenous Peoples were told that it would be possible to change their private titles to communal titles, laws and process on this issue are still unclear. Directive No.01 was criticized at the content of the law because it does not allow for the issuance of collective land titles.<sup>108</sup> While collective titles strengthen the solidarity in Indigenous communities and are part of the Indigenous culture, private land titles, however, weaken the communities’ social cohesion and increase social differences. The program is generally criticized for a lack of transparency, for pressured processes in forms of threat and coercion and for bypassing government bodies to set up to perform land-titling.

According to CPP statements the volunteers measured 660,000 plots and issued 380,000 new titles until the program was suspended in August 2013 in the lead-up to the 2013 national elections. Even though a promise of program recommencement was given only little action has been taken so far.<sup>109</sup> In conclusion Directive No. 001’s implementation has not resolved Indigenous Peoples’ land disputes with companies. Many villagers are still waiting for their land to be measured as their plots have not yet been awarded titles by the volunteers and they are therefore more vulnerable to land grabbing.<sup>110</sup>

Indigenous Peoples’s life is also affected by the construction of a dam on the Sesan River in Stung Treng Province called the Lower Sesan 2 Dam.

<sup>107</sup> Rabe, *Directive 01 BB in Ratanakiri Province*.

<sup>108</sup> Under Cambodian law, land cannot be simultaneously held under private and collective titles. The consequences of a private title is actually the loss of a collective title. Vize and Hornung, *Indigenous Peoples and Land Titling in Cambodia: A study of six villages*.

<sup>109</sup> Sokehan and Roberston, *Hun Sen’s Student Volunteer Land – Titling Program Under Fire*.

<sup>110</sup> According to new figures released by the Land Management Ministry, the government claims to have issued a total of 3.4 million land titles across the country, 500,000 of them since a renewed push personally orchestrated by Prime Minister Hun Sen. Pheap, Government Says 3.4 Million Land Titles Issued.



Location of the Sesan 2 Dam <sup>111</sup>

The project was approved by Cambodia’s Cabinet in November 2012 and will approximately be completed in 2017. The developer is the Hydropower Lower Sesan 2 Company.<sup>112</sup> The project is financed with the Hydropower Lower Sesan 2 Company’s capital (30%) and an undisclosed bank loan (70%), most likely from China. The dam will be 75 meters high, 6 km long and its reservoir size will be about 33,560ha with an estimated cost of 781 million USD<sup>113</sup> and will flood more than 30,000ha of valuable agricultural and forest land. According to the government’s announcement, generated power will be sold to the Electricite du Cambodge (EDC), but it may also be exported to Vietnam.

The problems caused by the Lower Sesan 2 Dam are worse for those ca. 86 communities living upstream the dam. It will force the resettlement of approximately 5,000 people, mostly Indigenous and Khmer communities. The environmental impact is immense; the dam project leads to poor water quality, irregular water flows and reduction in fish stocks.<sup>114</sup> Any communities living along the river depend on fishery resources for their livelihood. The effect of the dam will go as far as Tonle Sap Lake.

<sup>111</sup> <http://www.rfa.org/english/news/cambodia/sesan-11142012170421.html/cambodia-sesan2-dam-400.jpg>.

<sup>112</sup> A joint venture between Cambodia’s Royal Group (39%) and China’s Hydrolancang International Energy (51%) and EVN International Joint Stock Company (EVNI), a subsidiary of the Electricity of Vietnam (EVN) (10%).

<sup>113</sup> Mekong Watch, *Lower Sesan 2 /LS2) Hydropower Project*.

<sup>114</sup> Baird and RCC, report 2009.

### 5.3.3 Poverty and lack of education

As previously mentioned the situation of education is poor, especially in areas where Indigenous Peoples live. Despite the government's promotion of a compulsory education for everyone, providing this basic service is not widely enforced. Therefore the Indigenous Peoples' lack of education still remains a serious problem. In the majority of indigenous villages, schools are not available above grades 2 or 3 and in numerous indigenous villages the existing schools are not functioning. Most schools in indigenous villages lack qualified teachers. Additionally, teachers are often on low wages so that they have to engage in additional part-time jobs to receive some additional money. Therefore they only have time to teach a few hours a week. At schools of higher level, indigenous students are reportedly required to pay large amount of money to be able to pass Ninth and Twelfth standards.<sup>116</sup> The number of Indigenous Peoples not having access to school or leaving school mid-way remains far higher than the national average.<sup>117</sup> Cambodia's school system and access to education is therefore quite challenging for Indigenous Peoples. In personal talks with Indigenous Youth students they also explained that their grades on their national graduation exams are often poor as their teachers are not well-educated themselves and are lacking in education skills. For this reason it is difficult for indigenous youth to get a scholarship since other students are provided with better preconditions from the beginning. Indigenous children often also face inadequate facilities and cause high costs for their families.

All of the mentioned factors lead to a generally low education rate of Indigenous Peoples. They lack literacy skills and suffer a language barrier since they sometimes do not speak Khmer at all. A study in 2003 in Mondulakiri province found 97% of Bunong women and 86% of Bunong men were unable to read or write.<sup>118</sup> Additionally, it was also found that admission and enrolment rates in Mondulakiri and Ratanakiri provinces are below the national level and the repetition and drop-out rates are significantly higher than the national average.<sup>119</sup> Their poor level of education essentially complicates their general knowledge about their rights.

<sup>116</sup> The NGO Forum on Cambodia, *Free, Prior and informed consent in the development process in Indigenous Peoples communities of Mondulakiri and Ratanakiri Province*.

<sup>117</sup> Forest Peoples Programme, *UN Committee on economic social and cultural rights*.

<sup>118</sup> International Cooperation Cambodia, *An assessment of Khmer Language Skills and Literacy Levels within the Adult Hill tribe Population of Mondulakiri Province*.

<sup>119</sup> Committee on the Elimination of Racial Discrimination, *Consideration of reports submitted by States parties under article 9 of the convention, Concluding observations of the Committee on the Elimination of Racial Discrimination, Cambodia, 4-5*.

As Indigenous Peoples' input, participation and data is not included in the policies of achieving the Millennium Development Goals specific implementation of regulations for improvement is difficult.

Some progress, however, can be noted when it comes to bilingual educational initiatives. After the Ministry of Education, Youth and Sports had approved guidelines for bilingual education in Cambodia a pilot program of 30 Formal Bilingual Schools started in 2011. The project provides teaching in the mother tongue to grades 1-3 only and it is expected to extend to the whole country.<sup>120</sup>

### 5.3.4 Representation in politics

When it comes to the representation of Indigenous Peoples on parliament level it can firstly be said that there is no specific body such as a commission or parliamentary group that is concerned with minority issues or addresses their concerns. There are no reserved seats or quotes for minorities in Cambodia.

Minorities, in general, face certain challenges in being elected. The most common problems are that they often lack finances, support from political parties, education, confidence, family support and support from the electorate. But sometimes also religion and prevailing cultural attitudes towards minorities are essentially complicating a representative role of minorities in Cambodia. Additionally, 'given the relatively small population size of those regions where minorities predominantly live, there are fewer seats from which minority MPs and Senators may be elected. To be eligible to run for election in Cambodia, a candidate must speak Khmer. Quite a number of Indigenous Peoples only speak their indigenous language, though.<sup>121</sup>

Taken into account that „Indigenous Peoples in Cambodia have a rich tradition of collective decision-making reflected in strong social cohesion in the communal group it becomes clear that this model tends to conflict with Cambodian administrative structures and seems to be particularly difficult for Indigenous Peoples. Communal meetings are often placed in the centre of the villages where all affairs related to the village are discussed and decided“<sup>122</sup>

<sup>120</sup> Wessendorf, *The Indigenous World 2011*.

<sup>121</sup> Sonia Palmieri: The hidden minorities: Representing ethnic minorities and Indigenous Peoples in Cambodia. 2010. p. 7.

<sup>122</sup> Chhim, *Indigenous and Tribal Peoples and Poverty reduction in Cambodia*, 9-10.

Despite the mentioned problems for minority representation in parliament, 'Indigenous representation in the Cambodian Parliament more or less reflects the proportion of Indigenous Peoples living in the country - ethnic minority representation is marginally higher.'<sup>123</sup>

In the present legislative period 2013-2018, two of the current 61 Senators do have indigenous background. While both belong to Cambodian People's Party, Senator Seuy Keo is Brao and Senator Buy Keuk is Phnong. In the previous legislative period 2008-2013, Rat Sarem who is Phnong and Bu Than is Tumpuon were members in the National Assembly. According to Palmieri, Cham MPs identified themselves with their own minority while indigenous MPs hesitated to do so. As several Cham representatives had already had experience with ministerial departments they might not have been challenged by the pressure to priorities national identity over minority identity.<sup>124</sup>

An additional fact that needs to be noticed is that no minority MP is a woman in Cambodia.

On the level of commune councils no indigenous women have been elected at the post of commune chiefs in the provinces of Mondulakiri and Ratanakiri. In Modulkiri, there is one female first deputy, but her ethnicity remains unknown. In Ratanakiri, 4 indigenous women are first deputy chiefs, in Kratie, the 4 women who are commune chiefs, are not indigenous, and in Stung Treng the presence of indigenous women among commune chiefs or deputies remains uncertain.<sup>125</sup>

## 5.4 Conclusion

In order to overcome the discrimination in land and resource alienation these issues need to be addressed by parliament at the national level. The creation of a specialized body on minority issues would be a valuable mechanism to draw attention to minorities' needs. At the same time it would serve as an instrument of inclusion and integration into mainstream Khmer society. There also needs to be a general awareness of the Indigenous Peoples' cultural background. Their customs have very powerful influence on their personal development and every-day life.

<sup>123</sup> Palmieri, *The hidden minorities: Representing ethnic minorities and Indigenous Peoples in Cambodia*, 7.

<sup>124</sup> Palmieri, *The hidden minorities: Representing ethnic minorities and Indigenous Peoples in Cambodia*, 3-7.

<sup>125</sup> Maffi and Sineth, *Promoting Political Participation of Indigenous Women in Cambodia*, 11.

Indigenous Peoples also need to have better access to education in terms of the quality of teaching and in terms of general school service such as the proximity of the school to the family's village and the class room size. Classes should provide both languages Khmer and the indigenous language in order for the children to keep their identity, but also to be able to participate in modern day life. Indigenous families still need to understand the importance of education and the future benefits that derive from school attendance which do not only offer better chances on the job market, but also help to increase knowledge on self-determination for example.

As indigenous communities are facing tremendous changes they need support when it comes to gender equality. New generations of indigenous women and men need to be provided with resources in order to preserve their culture, but also to adapt to a modern society. Especially women are in need of information and awareness of their rights.

Cambodia's Communal Land Titles process lacks efficiency. The tedious and long three-step process needs to be shortened. If indigenous families have signed private land titles via Directive No.01 because of misinformation or intimidation they should be allowed to resume this decision and receive communal titles. Concessions that have been granted illegally are to be revoked.

Whilst Cambodia's private-titling plan, Directive No.01' for Indigenous Peoples is not perfect, it is a good start to help solving land disputes. However, villagers are affected negatively by some damaging effects of Directive No.01. Therefore there is room for improvement: the process and implementation of Directive No.01 needs to be transparent and villagers need to be provided with sufficiently complete information especially on the difference between communal and private titles, the student volunteers have to receive education on the livelihoods, the culture of Indigenous Peoples and they should also be involved in a training processes on how to measure all lands. More cooperation between the local government and the national government would also help to harmonize and speed up the process.

## 6. Internal conflicts among minorities

Cham Muslims and Indigenous Peoples are battling for the same land in Monduliri's Pech Chreada district.<sup>126</sup> A government initiated project actually planned to reduce poverty and improve lives has been causing trouble ever the year 2009. Because of this government plan, around 300, primarily Cham families, have therefore moved to Bousra commune's Tuol Svay village in the last years. The conflict between the Cham and the Indigenous People evolves from the fact that this area is part of a 2,400-hectare Social Land Concession, at the same time however, Indigenous Peoples claim that it is their community's land. While the new residents use the land's rich natural resources for their means of livelihood, the Indigenous Peoples have deployed it for spiritual practices, including a village graveyard. The Cham are after all accused of destroying the spirit of the forest. The Indigenous Peoples' complain that many trees have been logged, sold and that the area is being replanted with rubber plantations. Indigenous Peoples have even tried to stop the Cham from hacking down trees by physical means and sought government intervention. The Cham, on the contrary, claim that it is their land and that they have every right to use the forest for their needs. In this case the government seems to have failed to research the area before awarding the land and missed out on conducting due diligence. From the point of view of both sides their complaints and objections are legitimate by a good cause. A first step towards a solution at this point is an authorities' agreement on putting in border posts in order to protect Indigenous Peoples' land. At the present time it is not possible to predict how these difficulties are to be solved to reach a mutually satisfactory solution for both sides.

As previously mentioned Khmer Krom have been protesting against a controversial statement by a Vietnamese embassy official demanding an apology. As protests continue the atmosphere has become more and more tense. It was not only accompanied by multiple Vietnamese flag burning, participants have even called for a nationwide boycott of Vietnamese products.<sup>127</sup> So Khmer Krom have expanded their protest, by asking the Cambodian society to refrain from Vietnamese products. Now aiming at the whole Vietnamese population is just intensifying the already anti-Vietnamese tensions in the country.

<sup>126</sup> Information on this issue is in large part from: *UCAN, Cambodia's Muslims and minorities in land grants battle: Homesteading scheme sparks tensions in rural communities and Sen, Indigenous Groups urge action on land, and*

<sup>127</sup> Blomberg and Mech, *Khmer Krom Test the Waters for Demonstration; Cuddy; Rollet and Sotheary, Anti-V protests heat up.*

Understanding the initial purpose of the Khmer Krom protest, it is not reasonable to blackmail the whole Vietnamese nation. Exacerbating the lives of ethnic Vietnamese in Cambodia is a dangerous and discriminating act. Khmer Krom should immediately distance themselves from comments and actions that set fire to further anti-Vietnamese resentments in Cambodia.

## 7. Discussion

Now, given the information on history, cultural traditions, geographical data, size and the analysis of current problems, each targeted minority in Cambodia can be said to at least contain one characteristic unlike any other. All facts considered every minority undoubtedly faces difficulties. But not only the types of trouble sometimes differ, also extent and nature of the problems occasionally vary.

### 7.1 Major differences between the minority groups

For each minority group there is at least one feature that differentiates them from one another. As far as a multiparty democracy is concerned, it is generally agreed that a parliament should, at the minimum, mirror the population from which it is drawn and represent a microcosm of the nation. With reference to the examination of the 4 targeted minorities, the characteristics most distinguishing the Cham from the other minority groups is that they are the only minority group that is represented on the highest levels of Cambodian politics. The other minorities are, on the national level of politics, generally under-represented. If

there was a representative body including all minorities, the chances of addressing minorities' individual interests and needs could effectively increase. Thus, there is every likelihood that the involvement and representation of Cham in Cambodian politics has contributed to an improvement of their situation. All in all they can live and practice their religion freely and even build their own religious schools. Another effect that is to be traced back to Cham representation in Cambodian politics is that the Cambodian Government contributed to and actively encouraged its citizens not to jump up to put all Muslims under general suspicion of having terrorist links.

As well as it is the government's task to include minority members into national politics it is also the minority's responsibility to get involved in this business to improve their situation. Cambodia's Indigenous communities differ from the other minorities in the sense that they are specifically defined and protected by Cambodian law. At the same time they are also the only group that is seriously struggling with the inclusion of their traditional way of life into modernity. This conflict affects them not only individually, but also their families and the whole community are influenced by these challenges. With regard to widespread and systematic land grabbing, specifically Indigenous Peoples have been victims of these criminal acts. While many Cambodian citizens have become victims of land grabbing as well, Indigenous Peoples are particularly vulnerable to this matter as the majority of them lives on land rich in natural resources.

When it comes to the situation of Khmer Krom it is worth recalling that a large part of them suffer persecution wherever they go. No other of the targeted minorities is oppressed by state authorities in the way the Khmer Krom are harassed. While they flee persecution in Vietnam seeking a safe haven in Cambodia or Thailand they most often have to deal with further difficulties.

When it comes to what mainly distinguishes ethnic Vietnamese in Cambodia from other minorities it is the extent of open and covert racism and intolerance towards them. Racism towards ethnic Vietnamese is a daily reality in Cambodia and not an isolated event. Even public authorities and high ranking opposition leaders fertilize the breeding ground for a racist atmosphere in Cambodia by hate speech, such as speaking derisively about ethnic Vietnamese.

## 7.2 Major similarities between the minority groups

While ethnic Vietnamese and the Cham are as diverse as the other 2 minorities, they share experience of discrimination. All facts considered, however, these actions based on prejudice hit ethnic Vietnamese to a greater extent.

Ethnic Vietnamese and Khmer Krom share, to a certain extent, the condition of not having a citizenship. Both minorities are being substantially prevented from obtaining Cambodian ID cards. Cambodian citizenship is urgently needed in order for them to participate in Cambodian society and have the same chances as their fellow citizens.

The problem that definitely all minorities have in common is that they are disproportionately poor and that they are lacking in education. Having in mind that poverty is one of the forces blocking the success of education, it is crucial pointing out that these two conditions are mutually reinforcing. According to Thibault, poverty means the shortage of common things such as food, clothing, shelter and safe drinking water, all of which determine our quality of life. It may also include lack of access to opportunities like education and employment which aid the increase of poverty. And as the background information suggests, due to poverty, many students have been forced to leave the corridors of learning institutions.

The question of hunger finds its way into this matter since there are many poor parents that cannot afford to pay the food offered for children at school. Hunger has been instrumental in preventing children from going to school. If children attend school at all, it is not surprising, that some perform miserably in class simply because they have not taken enough food. Another consequence of poverty is child labor in the minority families. Children often cannot attend school because their families are fighting for daily survival and therefore need their children's support. Poverty has additionally forced a good number of students to give up their hopes of getting educated simply because traveling to and from their respective schools is a distance too far to cover twice a day.

All children in Cambodia should be receiving education as it entails improving their living conditions. Even though education is so instrumental in human development it is very unfortunate that the education system in Cambodia does generally not consider the problems of its poorest residents. As going further with this discussion, the problem that also hinders a student's success is inadequate school facilities. This includes: few teachers and learning materials. Schools are often understaffed and teachers tend to be subject to meager salaries. Very low salary often forces them to have 2-3 jobs leaving little time for teaching. The



majority of state teachers earn less than 150 \$ a month; over two-thirds of teachers has a second job.<sup>128</sup> One consequence is that 13% of primary school teachers and 87% of secondary teachers provide private tuition.<sup>129</sup>

Another way of supplementing the income is that some teachers even collect small amounts of money from each student every day. All of these points show that poverty works on the education's disadvantage. It may not sound an exaggeration to say that minority children are the ones that get most impaired by poverty in Cambodia. The Cambodian government cannot afford to remain in this passive position leaving its minorities with these mutually reinforcing conditions in a vicious cycle not able to escape.

There is no recent data on the specific poverty level among the Cham, Khmer Krom, the Vietnamese or Indigenous Peoples in Cambodia. Even though a 2014 World Bank study pointed out that poverty has decreased dramatically from 53 per cent to 20.5 per cent from 2004 until 2011 the number of „near-poor“ people who live on less than US\$2.30 per day per person grew to 8.1 million in 2011 from 4.6 million in 2004. Being „near-poor“ exposes people at a high risk of falling back into poverty easily. A third of the population, mostly in rural areas where the majority of minorities and indigenous communities live, still lives below the poverty line.<sup>130</sup>

The poverty of especially Indigenous Peoples, Khmer Krom and the ethnic Vietnamese can also be associated with the lack of representation in decision-making and in formulating and enforcing policies and laws.

By being poor and uneducated minority children are suffering disadvantages right from the beginning of their lives. It prevents them from participating in Cambodian society and reduces their chances of a better life dramatically. Education is their only chance and the key to improvement. Finally, all minorities face the problems of poverty and lack in education. Does this frankly mean that these findings are the root causes for all the other problems? Injustice would surely be done if poverty and lack in education was pointed out as the main reason for all the other problems. It is that these factors rather prevent many minority members from solving other difficulties than being the key source for all other problems. As the analysis has shown many minority members often have to deal with state authorities. In these situations they would be better off if they were educated as they then had confidence in talks with the authorities if they had better language skills, they would have fewer problems with application forms and they would have knowledge about their rights. In a nutshell, they would not be helplessly exposed to other people's knowledge and would not depend on other people's casualness. While poverty and lack of education are strong factors when it comes to minority's difficulties they are not the root cause for all the other problems.

<sup>128</sup> UNESCO, Teaching and learning: Achieving Equality for all.

<sup>129</sup> Ibid.

<sup>130</sup> Zachau, *And now for the really hard part*.

## 8. Conclusion

The purpose of this article was to give an overview of the minorities' main characteristics, to raise awareness of their problems, and to shed light onto their difficulties. By describing the information relevant to understand their current struggles, the report points out that a number of factors such as migration history, ethnicity, religion, traditional culture and poverty and lack in education are the key factors for their current situations. Some of these factors have more significant effects than others. A few of the struggles are shared by all, others only apply to two minorities and some are minority specific. But what can be finally said is that all minorities are facing major difficulties in Cambodia. For Cambodia it is important to bear in mind that no country in the world is going to succeed if a part of its population is put on the side lines and is widely discriminated against. Cambodia won't succeed if its minorities' are not getting the same education and employment opportunities as all other citizens in the country. By addressing the minorities' situation it is hoped to sensitize a broader public to this issue and to make people speak out against inequalities. It is significant to understand and embrace one's own culture, but at the same time it is necessary to appreciate the differences among these cultures. It is equally important to support political action that brings people together rather than drives them apart. Changing the way of perspectives, to be able to stand in other people's shoes and to see through their eyes would also help to improve the situation for minorities in Cambodia. This analysis would also like to contribute to more social integration of minorities. Empowering minorities with knowledge and awareness is vital for the majority's own protection and well-being. Partly, it is also on the minorities themselves to share their experiences, to get involved and to be aware of their respective situation in order to become citizens with voices in Cambodia.

While the Cambodian government has partly been trying to open things up and make the country more democratic as could be seen by the situation of Cham in the 9/11 aftermath it needs to stick to its principles of justice and respect rule of law and democracy in order to prevent conflicts inside the country that could move Cambodia in a bad direction. The country still has a long way to go to equality for all religious and ethnic groups and Indigenous Peoples. For a better inclusion of minorities into Cambodia there are several recommendations that could improve the situation:

**Recommendations:****For the government:**

- Support and promotion of education and training
- Simplification of access to education
- Supply of adequate food in schools
- A better infrastructure for schools (distance to school should not be too long and the way to school should be sufficiently safe)
- Improvement of capacity and availability of teaching and learning materials
- Increase of teachers' salaries
- More teacher training
- Implementation of already existing laws
- Revision of substantially opaque laws and processes
- Formal implementation of Khmer Krom's citizenship into Nationality Law
- Birth certificates for Vietnamese children born in Cambodia
- ID-Cards for Ethnic Vietnamese that have lived in Cambodia for generations (no immigration status)
- Promotion of inclusion and integration of all minorities in Cambodian society
- Shortening of Cambodia's long three-step Communal Land Titling process
- Transfer of private land titles via Directive No.01 to communal titles
- Process and implementation improvement of Directive No.01

**For NGOs:**

- Support and promotion of education and training on national, state, district and community level
- Further assistance in legal matters
- Continuation of reports raising awareness to minority's situation in Cambodia
- Improvement of interethnic relations
- Promotion of inclusion and integration of all minorities in Cambodia
- Attempts to catch government's awareness for minorities' problems
- Continuation of approaching government authorities with minorities' difficulties

**For minorities:**

- Contribution to political matters on several stages (commune councils, regional and national political stages)
- Increase of involvement in inclusion and integration process
- Acceptance of and further engagement in workshops offered by NGOs
- Increase of school attendance, more understanding for the importance of education
- Reduction of mutual discrimination
- More mutual reinforcement, less mutual disrespect and intolerance

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