



**THE COUNCIL OF
INDIGENOUS PEOPLES**

**IN TODAY'S VIETNAM
FREEDOM – JUSTICE -- PEACE**

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REPORT TO THE UN SPECIAL RAPPORTEUR ON CULTURAL RIGHTS

Submitted by **THE COUNCIL OF INDIGENOUS PEOPLES**

IN TODAY'S VIETNAM (CIP-TVN)

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The following report describes the extreme violations of culture experienced by the Cham, Khmer Krom, and Montagnard indigenous peoples of today's Vietnam. This document will provide an historical overview of each indigenous nation, cite violations experienced by the indigenous peoples, and recommendations will be offered at the close of the report.

The report demonstrates that the right to participate in cultural life and to manifest one's own cultural identity has not been possible under the current government of Vietnam. The promotion of tourism within Vietnam has shown little to no consideration for the realization of the cultural rights of indigenous peoples, including the rights of the indigenous peoples to identify, protect, classify, and be a steward to their own cultural heritage.

The teaching of history within Vietnam has ignored the rich cultural tapestry and ancient, spiritual, and sacred heritage of the indigenous peoples of the Cham, the Khmer Krom and the Montagnards. Indeed, much of the history and ethnic identity of these peoples has been eradicated in the government's policies of political and religious persecution, land seizure and assimilation.

There is a great tragedy in the loss of cultural heritage for these indigenous peoples and a profound loss for the entire world.

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Report to the UN Special Rapporteur on Cultural Rights

The Vietnamese Government's Violations of the Cham's Culture and Religion

The Cham are an indigenous people in Vietnam whose earliest recorded history in the region dates to 142 A.D. Our indianized Kingdom of Champa was an important component of the political and cultural history of Southeast Asia and a major trading region on the sea route between China and India. We built the longest continuously occupied temple complex in Southeast Asia called, **My Son**. Many others are the foremost Hindu temple complexes of the region, are now famous as an architectural and sculptural monuments, which are still standing strong along the central coast of today's Vietnam.

The Cham also had the earliest written script of Southeast Asia from 400 A.D. In 1999, UNESCO recognized My Son and other temples as a **World Heritage Site**. Since 1999, tens of thousand of tourists have visited the My Son temple complex, the Cham Museum in Da Namg, Po Nagar's temple in Nha Trang, and the many other attractions that deepen a visitors' understanding of the multi-ethnic history of Vietnam.

The Champa Kingdom was an autonomous population occupying a large portion of present-day Vietnam for over 1,000 years until our defeat by the Vietnamese, a process that lasted between 1471 and 1832. Today approximately 130,000 Cham people remain in Vietnam, predominantly in Ninh Thuan and Binh Thuan provinces (today's central Vietnam).



(Nuclear power plant in Ninh Thuan province)

We would like to raise the concern that, despite being recognized by scholars for our role in the history and culture of Southeast Asian, and by UNESCO for building temples so grand, that it constitutes being a World Heritage site, we are still simultaneously under the threat of eradication. After five hundred years

of settler colonialism by the Vietnamese, our population has been dramatically impacted. Our numbers have dwindled from millions of people to about 130,000 people.

While the Vietnamese government touts our importance to the heritage of Vietnam, because of substantial ethnic tourism to our temples and festivals; they decide to build their very first nuclear reactor in Ninh Thuan province, which is within two kilometers of the closest Cham village of Phước Lập. As with many communities around the world, we are well aware of the danger of downwinding (nuclear contaminant poisoning) and possible nuclear failure. Although Vietnam has no previous experience with nuclear power, and has an underdeveloped nuclear regulatory commission, it claims to be handling this matter responsibly, **while choosing to build its first nuclear power plant on seismically unstable land, within 2 kilometers of the nearest Cham village.**

In April of 1975, the Republic of South Vietnam collapsed under the regime of the Democratic Republic of North Vietnam. This new state introduced to South Vietnam the Communist Party regime, based on the rule of dictatorship of the proletariat and an economy referred to as "socialist". This policy has been the source of a new local government. The former organization of the Cham village was repealed. The Cham village chief and Cham district were no longer chosen by the people who know the customs of the Cham, but by members of the Communist Party. These party members can no longer assume the role of judges of the customary law of the Cham. They also cannot ensure the sustainability of the social organization of the Cham people based on a matrilineal and matrimonial culture.



(Cham 's Religious leader)

According to the economic “socialist” system, the new Vietnamese authorities no longer recognized the right to land ownership. In 1975, the government of Vietnam confiscated all private land belonging to the Cham, along with communal lands used for the maintenance of religious sites, and turned them into land owned by the the Vietnamese state. Stripped of their lands, the Cham people became a proletarian group. Because the Cham have been stripped of their communal lands, they no longer have the financial means to accomplish the great rituals that marked their religious calendar.

While these land reforms were implemented in the country, a campaign for the rehabilitation of the Cham people was set up in 1975. It aimed to establish patterns of thought and behavior, feelings and new behaviors among indigenous (“minority”) populations. In this campaign, the slogan was to remove the influence of so called “reactionary and decadent” cultures and to prevent by all means the celebration of the rites and rituals of these peoples that the Vietnamese government described as “superstitious practices”, despite the difference between superstitions and beliefs never being defined. This is another

violation of culture and religion since Article 5 of the Constitution of the Democratic Republic of Vietnam stipulates that the state "respects and guarantees freedom of belief and worship of minorities."

After attacking the religious practices of the Cham, the Vietnamese government have also persecuted the Brahmans and Muslim clerics who formed a separate community and spend much of their time in study and prayer. These dignitaries are now the prime target of the Communist administration who calls them "feudal" living in a totally alien way to the national society and detached from the Vietnam Fatherland system."

The campaigns against religious practices were aimed to de-tribalize the Cham ethnicity in Central Vietnam. In fact, the active campaigns against traditional religions of Cham were intended to remove the Cham as an indigenous people (who the government labels as a "minority" group) and to easily assimilate these peoples into the majority Vietnamese population.

In addition, all of our temples are now open daily for tourists to visit, which goes against our religious traditions, beliefs, and practice. Po Nagar's temple in Nha Trang, Po Klong Garai and Po Rome temples in Ninh Thuan Provinces are examples. The Cham are not allowed to build a new temple or new mosque, but can only fix or expand from the old ones. The Cham Muslim (Bani) cemetery site in Bicam village, Binh Thuan province was asked to be removed so the government could build a road.



(the Cham Bani (Muslim) cemetery site)

The government has also set up the pro-government administrative Council to protect the Cham's earliest written script, and recognizes the government- appointed council as the only legal representative to change the script as needed by their will. This completely violates the method of preservation of the linguistic Cham ancient script. Most of the Cham view the Council as a puppet of the government, created to control the Cham religions and beliefs, which is a violation of our culture and heritage, in turn, causing further confusion to the young generation and to the future of our people.

Report to the UN Special Rapporteur on Cultural Rights

The Vietnamese Government's Violations of Khmer Krom Culture and Religion

INTRODUCTION

The Khmers-Krom people are those who live in the southernmost part of the present day Vietnam – from Bien Hoa province (north of Ho Chi Minh City) down to the cape of Camau province in the Mekong Delta. They are native to the land, and descendants of the Khmer people of the Great Khmer Empire. They have been living on this ancestral land for thousands of years. These people have their own distinct ways of life, language, custom, tradition, and culture which are identical to those of Cambodians' in Cambodia or Kampuchea. Since the territory had once belonged to Kampuchea before the France colonization in 1859, it is now known to all Khmer people as **Kampuchea-Krom**.

During the colonial era, Kampuchea-Krom was colonized and named Cochinchina by the French Colonial authority. It was also made a French colony, not a protectorate as the other 4 states of the French Indochina. After 90 years of rule, on June 4th of 1949, the French National Assembly decided to change the status of this territory from a French colony to the newly formed country called South Vietnam, with France's malicious hope that the latter would join the French Union. This change of colonial power was done through collusion between French colonial and Vietnamese self-proclaimed officials. No Khmer-Krom leaders were informed or allowed to get involved in the territorial issue that was so critical to them and which impacted their own Khmer-Krom ancestral lands. This shameful act brought a great negative impact on the lives of the Khmer-Krom people. The colonization and suffering continues until today.

EVIDENCE OF CULTURAL RIGHTS VIOLATIONS

All the governmental regimes of Vietnam of, from the Republic of South Vietnam to the present Socialist Republic of Vietnam, utilize the same oppression and marginalization policies toward all of the country's indigenous peoples. Besides the gross violation of citizens' human rights, in general, the government of Vietnam continues violating the culture rights of the Khmer-Krom people, in particular, as follows:

1. **Change of Khmer Names to Vietnamese Names:** This is deliberately done in order to ease control and to erase history and cultural heritage of the Khmer Krom:

- a. **Khmer-Krom Family Names:** All Khmers-Krom family names were prohibited to be used. Some select last names which are assigned to certain localities by the Vietnamese authority such as the last name Thach; Son, Kien, Kim were assigned to Khmers-Krom living in the provinces of Travinh, Soc Trang, Bac Lieu; Dao to Cantho, Mai to Long Xuyen, Chau to Chau Doc and Danh to Kien Giang,
- b. **Khmer Locality Names to Vietnamese Names:** The city of Prey Nokor (in Khmer) was changed to Saigon, then to Ho Chi Minh City; and in the following provinces from Srok Trang to Soc Trang; Phsar Dek to Sa-dec; Toul Ta Mok to Thu Dau Mot; Preah Trapang to Tra-Vinh, Pol Leo to Bac-Lieu, just to name a few. No Khmer locality names are immune from this malicious campaign.
- c. **Khmer Proper Names and Common Names:** None of the Khmer names are able to evade the Vietnamese malicious scheme. For example, the Khmer-Krom landmark in the Preah Trapang province is Sras Kou (Couple Lake), yet it now has been changed to “Ao Ba Om”, as named by Vietnamese authority. The government of Vietnam even built a dirt road across the lake for no legitimate reason. It is believed that this vicious act is aimed at destroying the lake’s beauty and its historical reputation.

Similarly, the name of the Khmer’s boat racing called *touk ngor* is now called “*ghe ngo*” by the Vietnamese. The Annual Touk Ngor Racing event¹ is now exclusively organized and benefited by the Vietnamese authority, while they know very little about the culture behind this traditional Khmer game.

- d. **Vietnamized Khmer Buddhist Temples:** There are close to 600 Khmer Buddhist Pagodas scattered in Kampuchea-Krom with around 20 thousand Theravada Buddhist monks. Many of these pagodas were ordered to change their temple signs, which are written in Khmer characters, to Vietnamese characters with a newly assigned Vietnamese name. Many renowned Khmer Pagodas are now replaced by their Vietnamese names. A few examples include: Wat Posal-reach (Kompong) in the City of Travinh, which is now known as Chua Ong Met and Wat Kompong Chrey, which is now called Chua Doi by Vietnamese.
- e. **Khmer Buddhist Pagoda Seal:** All traditional pagoda seals written in Khmer character were confiscated by the Vietnamese local authority. The replacements are written in Vietnamese characters with the pagoda’s Vietnamese name. The new seal indicates that the pagoda belongs to the government’s Patriotic Buddhist

¹ This is similar to the International Dragon Boat Racing.

Association (Hoi Phat Giao Yeu Nuoc) and that the Pagoda's Abbot and his Board of Directors have no intention to join and (inferred) **are not welcome**.

2. **Music, Song Lyrics, and Dances:** All of these cultural activities must be guided and approved by government officials before they are allowed to be presented to the public. The government of Vietnam has certain secret directives to their cadres to lead this "Vietnamizing effort" to make all Khmer songs, lyrics and folklore dances reflect the tone, certain air, style, rhyme and similarity to those of Vietnamese. It is undeniable that this is one of the despicable methods of forced assimilation imposed on the Khmer people. Any CD, DVD, Tape, or memory media from Cambodia and overseas are subject to confiscation if found. This persecution can lead to an arrest or jail time.
3. **Khmer Traditional Costumes:** The Khmer people dress in certain types of traditional costumes and certain colors for particular events. Countless harassment was carried out by local authorities in the recent past. Because the costume characteristic is very different and distinctive from the Vietnamese ones, therefore it becomes a subject of ridicule.
4. **Freedom of Speech and Information:** The Khmer-Krom are prohibited from listening to the news from overseas such as those of Radio Free Asia, Voice of America, and CNN BBC News, to name a few. In particular, any television programs from Cambodia are strictly enforced and monitored. The Internet access is also closely monitored.
5. **The Khmer Language:** The Khmer-Krom people speak Khmer with each other and in the family, but the Khmer language is not allowed to be used in any government establishment. **This is the language for political propaganda only!** Now certain schools offer the Khmer language with very limited vocabularies and with some hybrid terms borrowed from the Vietnamese language and imposed on using them. This includes the term "Khmer-Krom" which is not allowed in use, but rather to be called "Khmer Nam Bo" – this term means "the Khmer people in the Southern Region of Vietnam".
 - a. **Incident at a Khmer Language School:** At the beginning of 2013, a group of Khmer-Krom Buddhists from the province of Soc Trang opened up a Khmer language school in their pagoda for Khmer Buddhist children. The local authority intervened and a demonstration against this action was organized. The Vietnamese government authority was quick to label it ..." a **disturbance to**

national security!” This led to an inevitable confrontation where all organizers and supporters ended up being arrested and given extreme jail sentences by the government.

On September 27, 2013, the Soc Trang Province’s Populous Court sentenced 2 Buddhist monks and 7 laymen allegedly involved in the incident with the ruling as follows:

- Venerable Thach, Thuone 6 years in prison;
- Venerable Lieu, Ni 4 years in prison;
- Layman Thach, Phumirith 3 years in prison;
- Layman Thach, Vantha 2 years in prison;
- Laywoman Ly, Thi Sabut² 1 year in prison;
- Laywoman Ly, Ly, Thi Danh 1 year in prison;
- Laywoman Lam , Thi Lon 1 year in prison;
- Layman Ly, Minh Hai 11 months in prison; and
- Layman Tang, Phola 10 months in prison.

² The individual was sentenced in absentia since the person concerned took refuge in a third country

Report to the UN Special Rapporteur on Cultural Rights

The Government of Vietnam’s Cultural Violations of the Montagnard/*Anak Cu Chiang* Indigenous Peoples of Vietnam’s Central Highlands

*(Indigenous Peoples of the Central Highlands refers to tribes of the Jarai, Ede/Rhade, Mnong, Bahnar, Koho and all tribal sub-groups of the Central Highlands)

Written by Rong Nay and Kay Reibold

November 6, 2013

This report will document extreme violations of cultural heritage and basic freedoms of the Montagnard *Anak Cu Chiang* indigenous peoples of the Central Highlands. The document will provide an historical overview, cite violations experienced by the Montagnard indigenous peoples, and list recommendations at the close of the report.

I. Historical Overview:

The French term “*Montagnard*” refers to the highlander Indigenous Peoples in the Central Highlands of today’s Vietnam. We are the “*Anak Cu Chiang*”, which means “children of the mountains”. We, the Indigenous Peoples, refer to ourselves in this way and we have always asserted our rights for independence and self-rule. Our language, heritage and culture are distinctly different from the Vietnamese (or Kinh) peoples who now occupy most of Vietnam and who have unlawfully seized our ancestral lands.

We have experienced two long periods of foreign domination from the French and Vietnamese

1. Under French Rule (1848-1940)

In ancient times and long before the French, or any other race, came to our country and prior to 1848, we lived under a feudal system of government. We lived peacefully according to our customs, culture and traditions in a village-centered society. Our lives were close to nature; the trees, forests, fields, rivers and mountains were sacred to us and our people freely hunted and fished. We used crossbows and spears for hunting and as weapons. Horses and elephants were used as transportation. Our people were animists who honored the spirits and the divinity in nature.

During a period of over 100 years of rule by the French, the Montagnard Indigenous Peoples in the Central Highlands still kept most of our cultural rights. The French government negotiated and

compensated Montagnard leaders because they used 20% of our land for coffee and tea plantations, and they purchased land from Montagnard owners. However, the French governing officials also **exploited** our people with forced labor, military assignments, and violations of our traditional culture.

On May 27, 1946, the French Federal government of Indochina granted the Montagnard Indigenous Peoples autonomy and self-administration in the recognition that the Montagnard Indigenous Peoples were the rightful owners of the Central Highlands, who had the right to self-determination on Montagnard(Anak Cu Chiang) ancestral lands. All the mountains, rivers, roads, forests, and natural environment retained Montagnard tribal language names and our autonomous self-rule included a map of the Central Highlands. The French never forced Montagnards to alter the names of our ancestral lands to French names.

2. Under the South Vietnam government of President Ngo Dinh Diem (1954-1963)

After the Geneva Convention on July 21, 1954, Vietnam was divided into two countries. North Vietnam with ruled by Ho Chi Minh and South Vietnam was ruled by Ngo Dinh Diem, who was the first President of the South Vietnam government (1955-1963.) The Montagnard Indigenous Peoples suddenly found themselves under the government of South Vietnam. President Diem ruled with an iron fist. He had a deep hatred for the Montagnard people and immediately applied new laws and policies to pressure the Montagnard Indigenous Peoples into assimilation and to become “Vietnamized.” This meant that in a population of over 2 million Montagnards, our people were pressured to become “Vietnamese.” Diem’s policies were devastating to the Montagnards.

The policies of racism and discrimination included:

1. Montagnard autonomy, granted by the French government, was completely eliminated and our ancestral lands and nation were annexed in the Central Highlands territory to become part of the national territory of the Republic of Vietnam and under of the South Vietnamese government in Saigon.
2. In the seven provinces of the Central Highlands, Diem replaced the Montagnard Province Chiefs with Vietnamese staff for better control. The Montagnard indigenous peoples were now classified as an “ethnic minority” on their own ancestral lands and the goal of the new government was assimilation. The 13 Montagnard battalions that had been part of the French army were reorganized and integrated into the South Vietnamese army and forced to take Vietnamese names. All Montagnard officers lost their commands and were replaced by the Vietnamese.
3. Diem completely disarmed the Montagnards, confiscating traditional swords, spears and crossbows, which were used for hunting, and gave them to the Vietnamese who resettled on Montagnard lands in the Central Highlands. This left the Montagnard people totally exposed and vulnerable to attacks by tigers and other jungle animals.
4. Diem resettled one million North Vietnamese refugees on the most fertile Montagnard lands in the Central Highlands and thousands of Montagnard people were forcibly relocated on less fertile lands where farming was difficult, causing greater hardship and suffering. Many Montagnard Indigenous Peoples leaders who opposed Diem were jailed or killed. In some cases they were falsely charged with being pro-Communist.

5. Diem prohibited teaching of the Montagnard languages and burned all documents and books in the Montagnard dialect. He abolished tribal courts, land and property rights, and he refused to recognize the Montagnards as the rightful owners of the Central Highlands.

6. Diem's campaign of assimilation included inhumane policies compelling the Montagnard military men and civil servants to take Vietnamese names and to also change Montagnard names of villages, provinces, rivers and mountains into Vietnamese names.

In 1955, at the same time Ho Chi Minh promised autonomy for the Montagnards in the Central Highlands after the victory against South Vietnam, Communist forces recruited thousands of Montagnard men, women and children in remote villages to serve as laborers and to work on construction on the HCM Trail. North Vietnam also kidnapped many young Montagnard children and took them to North Vietnam to be subjected to Communist doctrine training and propaganda. These young people were used as agents of the Vietnamese and were brainwashed to kill their own people.

In 1956 the War between North and South Vietnam began. The Montagnard people were used by both governments as tools during the Vietnam War. At the same time thousands of Montagnards were displaced and resettled along the roads under the Land Development Program of President Diem and his American advisor, Wolf Ladejinsky. As a result of this destructive program, thousands of Montagnards died through starvation, disease and neglect.

On October 26, 1956, which was the National Independence Day of the South Vietnamese government, the Montagnard Indigenous Peoples presented President Ngo Dinh Diem with a white elephant. According to Montagnard tradition, this meant congratulations and blessings. Honoring him in this manner was very important according to Montagnard custom, signifying a truly special gift, occurring rarely in the history of the Montagnard people.

The gift of a white and beautiful elephant was sacred, precious, and signified great honor and importance. It represented how the Montagnard people offered their trust in an attempt to show their respect to President Diem. The Montagnards prayed that he would not destroy them. This trust would soon be betrayed and destroyed by the Diem policies towards the Montagnards.

The Vietnamese called the Montagnard Indigenous Peoples "Moi" (savage) and the word spread everywhere in the language Vietnamese people used to describe the Montagnard people. The term implied that the Montagnard indigenous peoples originated as monkeys with tails, and the word showed a deep contempt towards the tribal peoples.

3. Under General Nguyen Van Thieu of South Vietnam government (1963-1975)

The situation of the Montagnard Indigenous Peoples in the Central Highlands did not improve during the Thieu government, and the discrimination got worse as the Thieu government implemented policies of discrimination and racism. Both leaders, Diem and Thieu, of the South administration completely ignored the daily suffering which happened to over a million Montagnard people living in the Central Highlands.

During the North and South Vietnam War, over 500,000 Montagnard Indigenous Peoples lost their lives and 85% Montagnards villages were destroyed. The Montagnard, *Anak Cu Chiang*, peoples have

never known peace or happiness and never had the opportunity to develop their lives. So many lives were destroyed by the war between North and South Vietnam.

4. Under the Vietnamese Communist Regime (1975 to present)

After 1975, the Montagnard indigenous peoples who survived the Vietnam War continued suffering under the North Vietnamese Communist regime. The Hanoi government settled over 10 million Vietnamese from the North to the Central Highlands and occupied all of our fertile lands. For the Montagnards, everything that was left from the South Vietnam government was lost to them. They lost the right to own anything including their bodies, lands, churches, culture, and the Montagnard traditional way of life.

Everything natural and sacred that had names in the Montagnard tribal languages, including many geographic names of provinces, cities, mountains, hills, valleys, rivers and springs have been changed into Vietnamese names. The current Communist regime is the worst violator of culture for the Montagnard indigenous people and their heritage.

II. Present Day Violations

1. Self Governance and Representation

The Montagnard “Anak Cu Chiang” tribal peoples have experienced a violation of their right to self-determination and self governance for over 160 years. *The UN Declaration on the Rights of Indigenous Peoples, an agreement which Vietnam has signed and endorsed*, outlines this right which includes the right to cultural heritage, ethnic identity and self-determination. The government of Vietnam refuses to recognize that there are indigenous peoples in Vietnam and it refuses to acknowledge the rights of all tribal peoples.

The issue of assimilation and ethnicity is closely associated with the use (and abuse) of language. For example, the phrase “ethnic minority” is one that is often rejected by the tribes peoples of the Central Highlands, though government officials, UN entities, and the international community often refer to the “indigenous peoples” as “*ethnic minorities*.”

The tribal peoples, collectively known as the “Montagnards” of the Central Highlands, consist of two major linguistic groups, Malay-Polynesian and Mon Khmer. These populations are ethnically and linguistically distinctly different than the Kinh or Vietnamese peoples. The use of the term “ethnic minority” is a strategy where the government aims to control and assimilate the *original inhabitants* of the Central Highlands and those original inhabitants of other lands within present-day Vietnam. The government’s policy and position is that, because there “are no indigenous peoples in Vietnam, the government has no obligation to respect the rights of the indigenous peoples outlined in the UN Declaration.” (Quote reflects the GVN policy)

Fundamental human rights are violated daily. These rights include the right to dignity and self-respect. Montagnard indigenous peoples have no right to own their bodies under the current regime. Police can enter the homes of citizens without permission and make arrests at anytime without reason. Police often are suspicious and accuse the Montagnards of being American spies for the CIA. The government of

Vietnam still considers the Montagnard people a long term historical enemy because Montagnards fought alongside the French and Americans during the French-Indochina and Vietnam War.

Self- rule and self-governance which was once an integral part of the culture and traditional way of life for the tribal peoples have been destroyed, and all freedom of expression, freedom of assembly, tribal courts, and tribal representation were abolished under the current Communist government of Vietnam. The current Ministry of Ethnic Minorities which is based in Hanoi, is a government entity which offers some programs and policies on paper which are intended to assist indigenous peoples who suffer from poor socio-economic conditions, but authentic representation and empowerment of tribes peoples does not exist, since the structure of the ministry and all the personnel are officials who are tightly controlled by Communist Party Members, the Fatherland Front and the Ministry of Interior (police ministry.).

2. Exploitation and Seizure of Montagnard ancestral lands

The government's policies of forced resettlement, state-appropriation of land, and population displacement have taken away the Montagnards right to own and inherit their ancestral homelands. These policies constitute "ethnic cleansing" as the tribal peoples experience their entire way of life and their cultural "soul" being eradicated by the government and its policies to confiscate ancestral Montagnard lands. Such policies by the government have deepened the level of poverty experienced by the Montagnards in the Central Highlands and have impacted all aspects of the quality of life and health of the highlander peoples. This is evidence of a dramatic and systematic Hanoi government policy since 1975 intended to de-stabilize, damage, and quietly destroy the indigenous populations.

Today the Montagnard indigenous peoples are desperate to have land to farm, to hold on to their family farm, to buy a small piece of land from the government or even from a North Vietnamese who has resettled in the Central Highlands. The government has seized so much land from the indigenous peoples. For these reasons, the Montagnards are often beaten or killed as a consequence of land rights disputes with Vietnamese police or settlers who now reside in the Central Highlands on Montagnard ancestral land. The government of Vietnam ignores the pleas for justice and land rights and they retaliate by arrests and imprisonment of hundreds who simply want the right to farm and to survive.

The government has re-settled thousands of Vietnamese in the former ancestral lands of the tribal peoples. The massive shift of population has taken place in both the countryside and within cities once known for their identities as being indigenous, but are now, largely populated by Vietnamese settlers.

The cities of the Central Highlands, such as Buon Ma Thuot in Daklak Province, Pleiku in Gialai Province, Ayunpa/Cheo Reo in Gialai Province, Dalat and Bao Loc in Lamdong Province and Kontum City in Kontum/Gialai Province were once populated by the tribal peoples whose distinct ethnic identities were reflected in the traditional longhouses and traditional dress of the city's inhabitants. This is no longer true.

Resettlement of new settlers often occurs along the national road and most Montagnard families now live behind the newly constructed houses of Vietnamese inhabitants who live next to the road. This is another means for the government police to monitor, control and prevent most foreigners, tourists and visitors

from interacting with the tribes peoples whose homes are set back from the road or in outlying villages. The Vietnamese new settlers can intimidate and at times force the Montagnards out of their homes without an order from the government. If a tribesperson complains, the local government officials will rarely support the claim of abuse by the tribesperson.

III. Religion

This report recognizes religious belief as being an integral part of culture. There are numerous recent reports documented by international human rights groups such as **Human Rights Watch** which has released a 2011 detailed report on the continuing abuse of Montagnard Christians in the Central Highlands, “Montagnards Christians in Vietnam: A Case Study in Religious Repression.”

Our report will focus on a few examples below with more detailed incidents outlined in the UN 2010 CERD Report submitted by the Montagnard Human Rights Organization and in testimony presented at a U.S. Congressional Hearing on April 11, 2013. This testimony concerns the violations of religious freedom experienced by the Montagnard indigenous peoples, most of whom are Christians, and other indigenous populations such as the Cham and the Khmer Krom who have been persecuted for their religious beliefs. Populations of the Cao Dai, Hoa Hao, certain Buddhist sects, and the Christian Hmong people who live in North Vietnam have also suffered extreme religious persecution.

A. Examples of Religious Persecution

1. Over 800 Montagnard Christians, many who were pastors of house churches, have been in Hanoi’s prison and other jails and gulags around the country since 2000 when there were protests in the Central Highlands and hundreds were arrested and dozens killed. These prisoners suffer under terrible conditions and often are restricted from family visits because their relatives are unable to travel the long distance from the Central Highlands to Hanoi in the north.

2. Montagnard Christians are only able to freely worship God as long as the church is registered under the government and controlled by the government. Many independent churches are not allowed to hold services and their preachers are threatened or jailed. Most of the churches which American missionaries organized in the past have been destroyed or their names changed.

3. There is a small Christian chapel at the **Ea Ana Hospital and Leprosarium outside of Buon Ma Thuot city in Daklak Province** whose patients have historically included all Montagnard tribespeoples, many who are completely blind and disabled from Hansen’s Disease (leprosy.)

A decade ago (and decades earlier since 1975,) the chapel was closed and boarded up. The patients of Ea Ana who lived in utterly miserable, deplorable housing conditions could not even have the comfort of a worship service in their Rhade/Ede dialect by one of their own Montagnard Christian pastors.

It is unknown if the government now allows this chapel to offer a Christian worship service for the patients, many who have asked for the right to worship their Christian faith in the little chapel on the

hospital grounds. Almost all of these patients are long term residents who will live out their lives at the hospital.

4. In the city Buon Ama Thuot, Daklak Province, the **Sang Ae Die Buon Ale A Church**, is the oldest Montagnard Christian church which was built in 1930 by the American missionaries for the Montagnard people. It was totally destroyed by the government of Vietnam on March 10, 2010. This was heartbreaking to the Montagnard Christian community and a dramatic example of how the government has no respect for the cultural and religious heritage of the Montagnard peoples.

5. In Pleiku city, which the government now refers to as “Gia Lai City”, the **Sang Oi Dai Plei Beltel Church** was burned on March 10, 2003 by government police.

IV. Environmental destruction and cultural heritage

After taking over South Vietnam in 1975, the government of Vietnam immediately embarked on programs aimed at the destruction of the surviving Montagnards’ way of life by forcing the Montagnard Indigenous Peoples into the Vietnamese cultural sphere. Most Vietnamese from the North who resettled to the Central Highlands were deeply angry and resented, if not hated, the Montagnard people for the Montagnard support to the French and Americans during the French-Indochina and Vietnam War.

Montagnards in the Central Highland recall disturbing comments such as “We do not want to see a savage’s customs here. Let them preserve it in Western Europe or US Zoos.” These actions were not only from new settlers, but the Central and local governments who strongly supported the new Vietnamese settlers and they ignored any complaints from the indigenous Montagnard people.

For these reason the Montagnards were expected to:

1. Live intermixed with the Vietnamese, where they were forbidden to observe their traditional practices, in particular, religious observances. This program was intended to cut all Montagnard ties from villages, communities and kin groups in their “transition to socialism” which is in actuality Vietnamization.
2. The Montagnard Indigenous Peoples traditions and customs were systematically abolished because the government says they were different and “uncivilized customs”. It was at this time that the Montagnard traditional clothing was replaced.
3. The sacred burial plots of the Central Highlands Indigenous Peoples known as ‘msat’ have often been violated by the Government of Vietnam and local provincial cadre or Vietnamese settlers who are guilty of stealing precious cultural artifacts or destroying burial land for private development. There is further exploitation by the government which uses the Montagnard sacred burials and ancient wooden sculptures (that sometimes border the graves in more remotes areas) as a showcase of “ethnic minority culture.”
4. The beautiful and once sacred lake to the Montagnard Jarai people (which is located just outside of Pleiku City, Gialai Province), called, “Ea Neung” has been transformed from being a totally natural site to having a Vietnamese Confucian pagoda constructed at the edge of the lake.

5. Villages in the Central Highlands that once used elephants in the traditional way of farming, logging and transportation, are now used by State-sponsored tourist groups that promote “elephant rides” and “authentic ethnic minority” culture. The indigenous peoples often do not benefit from the profits of such tourist initiatives. Elephants, which were once a vital and sacred part of Montagnard village life, spirituality and culture to certain areas, have now almost disappeared due to the poaching of their tusks and the loss of their habitat. This is particularly true in the Ban Don, Daklak Province area. **World Wildlife Fund (WWF) has designated Vietnam as one of the worst violators of endangered wildlife species and eco-systems in the world.**

6. International environmental groups and other organizations have noted that the extreme logging of hardwood forests in the Central Highlands and the intensified development and extensive mining operations (current and future) will have a long-term, devastating environmental and socio-economic impact on those remaining indigenous populations struggling to survive in the Central Highlands. Such mining will adversely affect the water quality of aquifers, rivers, soils, and ecosystem.

7. Bauxite mining by Chinese companies has occurred throughout the Central Highlands including a massive mining project established in 2008 in Nhan Co village of Dak Nong and also in Bao Lam of Lamdong Province. These projects have brought in thousands of Chinese and foreign workers and the mining has irrevocably destroyed the environment in areas once populated by indigenous peoples.

As reported in a 2009 VIET TAN article from a reporter who made a site visit to **Nhan Co village, Dak Nong province,**

“From the entrance of the village and in the village, there were no signs that this is the bauxite mining project site. Workers wore uniforms that read “Mining Project Employee” but there was no talk about “bauxite.” The local ethnic minorities are all under the impression that the government has set up a project in the village to help with the production of coffee beans, cashews and peppers.

There is a strong sense of discomfort in the village at the sight of local government officials dressed in their dark green uniforms observing closely all those who enter and leave the village. The government of Vietnam increased the number of officials on duty to prevent anyone from “disrupting the developments of the Central Highlands.”

We discovered that those working within 5km of the site will be paid triple those who work outside of that perimeter due to the health hazards of the red toxic sludge resulting from mining bauxite. Although the project is only in its early stages, there are signs that if this project is to continue further the Central Highlands of Vietnam and its people will lose their homes and their only source of cultivation. Nhan Co’s once lush green fields are now beginning to lose their color and life.”

In addition to mining and its impact on the environment and people, precious species of animals and plants have already been lost or are endangered in the Central Highlands. Vietnam’s policies which cause cultural and environmental violations impact not only the indigenous populations of the Central Highlands, but damage the entire Earth and life community.

V. Access to education, health care and development assistance



A statistic released in Vietnam in cooperation with United Nations Agencies, UNICEF and UNFPA, **Ha Noi, 16 December 2011**, in a report from Viet Nam's Multiple Indicator Cluster Survey (MICS) 2010-2011 reveals "persisting disparities in the lives and well-being of children and women in Viet Nam, across regions, by gender, area of residence, wealth, and ethnicity."

The survey was carried out between 2010 and 2011 by the General Statistics Office (GSO) in close collaboration with various line ministries and UN agencies, UNICEF and UNFPA. It provides a comprehensive, updated picture of the situation of children and women in Vietnam.

In the area of immunization, the report shows that just two out of five children between 12 and 23 months are fully immunized in Vietnam. There is also a considerable gap between rural and urban areas, with one in two urban children fully immunized, compared to only one in three in rural areas.

In the field of water and sanitation, the MICS 2010-2011 findings reveal that more than seven out of ten Vietnamese have access to drinking water and improved sanitation facilities. **However, a person living in a Kinh or Hoa household is more than twice as likely to have access to those facilities as a person living in an ethnic minority household.**

When it comes to nutrition, the report shows that nearly one in every four children under five is stunted, that is, shorter than he or she should be for his or her age. **The stunting rate among ethnic minority children is twice as high as the stunting rate among their Kinh or Hoa peers.**

The survey also provides data on women's reproductive health. For example, most women aged 15-49 who gave birth in the two years preceding the survey received antenatal care at least once by skilled personnel, and two-thirds had the recommended four antenatal care visits. Nine out of ten deliveries took place in health facilities. **However, significant disparities emerge by ethnicity:**

virtually all women in Kinh or Hoa households delivered in a health facility compared to three out of five women from ethnic minority households.

“The report provides evidence that ethnic minorities are not faring well in most surveyed areas. The data generated by the MICS 2010-2011 will allow policymakers to identify and target their resources to those population groups that are in most need of attention and should be the focus of collective development efforts. This would allow the benefits of Viet Nam’s economic growth to reach women and children in all ethnic, economic and social groups.” MICS is an international household survey initiative, which UNICEF has used since the mid-1990s to assist countries in collecting and analyzing data in order to monitor the situation of children and women.

In another Report from the United Kingdom: Foreign and Commonwealth Office, *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Vietnam*, 31 March 2011, available at: <http://www.unhcr.org/refworld/docid/4d99aa7b50.html> [accessed 4 January 2012] it cites in the section, “**Minorities and other discriminated groups**”.

“The Vietnamese government acknowledges that it needs to do more to close the gap in living standards between ethnic minorities and the Kinh majority. In July, the UN Independent Expert on Minority Rights visited Vietnam. The UN Independent Expert on Human Rights and Extreme Poverty visited in August. Both commended government initiatives to improve the socio-economic wellbeing of minorities in Vietnam, **but highlighted that minority groups remained the poorest in society.** The Independent Expert on Minority Rights underscored the importance of ethnic minorities having the right to participate fully and effectively in decision-making that affected their communities, including economic development projects and land re-settlement issues. The Independent Expert on the question of human rights and extreme poverty urged the government to strengthen and implement effective and accessible mechanisms for complaints.

The lack of adequate health care for the indigenous Montagnards has been documented since 1975. After 1975, all dispensaries in the Montagnard villages and hamlets were completely closed and abandoned. The existing clinics and hospitals are primarily in the provinces and the cities. The Montagnard people have been forced to relocate to remote areas, where they have to walk one or two days to get to the hospital when they were sick. Emergency medical services are not accessible. When the Montagnard people are sick, there would be limited assistance, as the majority of nurses are Vietnamese. Many patients do not have enough money to pay doctors.

Those Montagnard nurses and doctors who previously had training from the South government were compelled by the authorities to only clean the hospital. They were not allowed to treat the wounded or sick people. Montagnard students have few opportunities for medical school because their parents are poor and the government has ignored them.

Since 1975, the government has abandoned most of the Montagnard villages where patients suffer from Hansen’s disease commonly known as leprosy. Leprosy clinics in the Central Highlands where American Missionaries served during the Vietnam War; such as Buon Ea Ana in Buon Ama Thuot, Plei Domak in Cheo Reo, and Plei Dak Kia in Kontum have been neglected for years. Patients could not provide food for themselves and the government did not allow any foreign NGOs or Charities organization to visit these clinics for many years. International humanitarian aid rarely reached these Montagnard villages. The

policy of the government has been to restrict development assistance for the tribal peoples resulting in suffering and conditions of misery, while the quality of life for the rest of Vietnam has improved throughout the years, especially in the area of health care and education.

1. Education, Policies of Assimilation, and Discrimination

The government of Vietnam has forced the Montagnard people to learn and use only the Vietnamese language, which is the national language. The Montagnard languages are used as unwritten languages or as a language that the government can monitor and more easily assimilate the Montagnard people.

After 1975, the Hanoi Government confiscated all books in Montagnard language, burned them all and forced the Montagnard Indigenous Peoples to study Vietnamese and prohibited them from learning or speaking their own dialects. Today in the Central Highlands many Montagnard children and students only speak Vietnamese and gradually forget their own dialects.

After 1975, teachers in the school system taught the Montagnard children to hate the American, French and Chinese people accusing them of murdering their families and accusing them as being the cause of all suffering and death. Every morning before class starts, students have to sing songs to praise Ho Chi Minh as a greatest leader of Vietnam history who brought hope, peace and happiness for Vietnam.

Most elementary schools in the villages and hamlets have been completely closed since 1975. The existing provincial secondary schools and colleges are often only reserved for Vietnamese students. Because many Montagnards have been forced to leave their villages for relocation far away from school, 20 to 30 miles from the city, the Montagnard students are poorest in Vietnam since they do not have transportation to commute to the city to attend school. The Montagnards living in these remote areas are not being given a chance at a successful life because they don't have a chance for an education.

The government of Vietnam has passed laws prohibiting Montagnard students from going abroad to study or to access scholarships. For the Montagnard students who can attend university in Vietnam, the school fees are very high and there are few if any boarding schools for the Montagnard students.

Today, the Central Highlands University at Daklak (Dai Hoc Tay Nguyen), comprises of only 1% Montagnards students compared to thousands of Vietnamese students. The Government uses the "Central Highlands University" and the name of "Montagnard students" only for propaganda to ask for help and for support of Vietnamese students from the outside world.

In January 2012, there were over 15,000 Vietnamese students allowed to study in the United States and almost no Montagnard students. No doctoral student who is Montagnard has been given a U.S. scholarship or any other financial aid to study in the U.S. This Report emphasizes the extreme ethnic discrimination towards the indigenous Montagnard peoples since 1975. The Vietnam government often blames Montagnard students for not being qualified for education abroad. It is yet another example of systematic policy discrimination towards the indigenous peoples.

To prepare for socialization with tourists, foreign visitors or any delegations from the outside to visit Vietnam, the government trains Vietnamese students and teachers to speak Montagnard languages. The Montagnard people are rarely allowed to socialize with foreign visitors. If they allow Montagnards to speak, the Vietnamese police who speak Montagnard language have to be there to listen, monitor and

record. The police security throughout the Central Highlands is extremely tight in every Montagnard village.

After the crackdown from 2001-2004, the Montagnard Indigenous Peoples who graduated from College were forced to join the Communist Party of Vietnam if they wanted a job or if they wanted their children to receive a higher education. The government of Vietnam did not force South Vietnamese to join the Communist Party but they forced the Montagnards. The government has trained the Montagnard Communist Party Members to be against all others Montagnards including the Montagnards overseas.

VI. Ethnic identity and forced assimilation or Vietnamization

Violations of culture also appear in the way language is exploited and Vietnamized by the government. After 1975, the new Communist government initiated a careful plan to change the names of many cities, provinces and geographic names of the rivers and mountains in the Central Highlands from tribal names to the Vietnamese language. It is an insidious method to destroy the cultural heritage of the tribal peoples, their history and ancient ties to the lands of their ancestors. (See two important books- “We Have Eaten the Forest” by Georges Condominas and “Sons of the Mountains” by Gerald Cannon Hickey.)

For example, Kontum Province is referred to as Cong Tom in the Vietnamese language and **Pleiku City** has been changed to **Gia Lai** in the Vietnamese language. The Jarai tribal peoples are now referred to as “GIARAI” and the Bahnar tribes are referred to as the “BA NA.” **DakLak Province** transformed to **Dac Lac** in the Vietnamese language, **Dak Nong Province** is often described as **Gia Nghia** in the Vietnamese language, and many others cities, district and villages have experienced name alternations, sometimes subtle, but a reflection of the policy of assimilation.

In the new maps of Vietnam, place names are often very different from the maps prior to the Communist take-over in 1975. Many young Montagnards of today have no way of knowing the original landscape of their ancestors and their cultural heritage.

There is also extreme psychological pressure to “be like the Vietnamese” which has come with the massive amount of Vietnamese settlers and culture introduced in areas previous owned by, and inhabited by, the Montagnard people. Independent observers can witness the low self-image and self-worth expressed by some of the Montagnard students in schools. Many are even reluctant to claim their cultural heritage as being “Montagnard people” and they respond by feeling the pressure to “marry Vietnamese” rather than consider a marriage partner of their own tribal heritage. The government reinforces assimilation with policies which encourage Vietnamese cadre and Communist Party members to marry indigenous tribespeoples in an effort to implement and accelerate the government’s long-term goal of total of “Vietnamization” and assimilation.

There have been incidents of **FORCED STERILIZATIONS** of Montagnard women and the government has forcefully pushed a policy of birth control and limitations on child births in many Montagnard villages.

These are among the policies which have been carefully designed by Hanoi’s Communist Party leaders and political strategists to enable the government to methodically swallow up the Central Highlands ancestral lands of the indigenous peoples; lands whose natural resources are diverse, mineral- rich, and are also vital for Vietnam’s strategic defense.

In summary, as cited in an earlier UN CERDS Report from the Vietnam Committee on Human Rights, “the 1992 Constitution of the Socialist Republic of Vietnam guarantees ‘equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division’ (Article 5). However, the SRV/GVN Constitution, based on Communist Party principles, has a number of articles that exploit the indigenous peoples and condone racial discrimination. The government uses the Constitution to justify government policies of ethnic cleansing and racial discrimination. Such policies and programs have been intensifying in the past 20 years.



Once again, this report has demonstrated that the right to participate in cultural life and to manifest one’s own cultural identity has not been possible under the current government of Vietnam. The promotion of tourism within Vietnam has shown little to no consideration for the realization of the cultural rights of indigenous peoples, including the right to identify, protect, classify and be a steward to their own cultural heritage. The teaching of history within the country has ignored the rich cultural tapestry and ancient, sacred heritage of the indigenous peoples including the Cham, the Khmer Krom and the Montagnard peoples. Much of the history and ethnic identity of these peoples has been eradicated in the government’s policies of political persecution, land seizure and assimilation. There is a great tragedy in the loss of this cultural heritage for these indigenous peoples and it is also a loss for the entire world.

VII. Recommendations from the Indigenous Peoples of Today’s Vietnam to the UN Special Rapporteur on Cultural Rights

1. The Government of Vietnam should acknowledge its indigenous peoples and their rights as outlined in detail according to the **UN Declaration on the Rights of Indigenous Peoples**.
2. As a signatory to the Declaration, the GVN should publicize the UN Declaration on the Rights of Indigenous People on its official government website, and include oral and written translations of the UN Declaration.
3. The GVN should allow elected representatives for the Indigenous Peoples who are themselves indigenous/tribal leaders and who are NOT COMMUNIST PARTY MEMBERS, to form their own governing tribal council and to allow the council **to develop a framework of self-governance** in those areas which are known and documented to be the ancestral lands of the tribal peoples prior to the time of the French occupation of the Central Highlands and subsequent occupation of Vietnamese/Kinh settlers. Consideration should be given to the establishment of an autonomous region of self-administration which is governed by tribal representatives and which takes into consideration the needs of all inhabitants in a particular area, though it should be noted that the vision of self-government differs for each nation and the

vision of the Montagnard tribal peoples and the Khmer Krom is to govern themselves as a totally independent sovereign state nation.

4. Indigenous languages should be offered in the school curriculums.

5. Environmental destruction must stop. This includes off shore drilling for gas and oil in Kampuchea Krom lands, nuclear sites in the Cham ancestral land and bauxite ore mining and de-forestation in the Montagnard Central Highlands. The socio-economic, cultural, and spiritual lives of indigenous peoples will never improve, or be assured of a future, if the air and water is poisoned and the land destroyed because of toxic waste and chemicals.

6. Access to health care, education and development assistance must improve.

7. No significant improvement in protecting the cultural heritage of the indigenous Cham, Khmer Krom and Montagnard indigenous peoples can take place unless the Government of Vietnam reverses its policies of ethnic racism and discrimination, land seizure, and its violations of religious freedom and other basic human rights.

*8. A final thought, as it pertains to the UN Rapporteur's interest in museums and cultural heritage, is the issue of a museum for the Indigenous Peoples. This is a very sensitive matter, since much of their culture has been eradicated or damaged by the government. Any museum for the Cham, Khmer Krom and Montagnard indigenous peoples of the coastal, Delta and Central Highlands region should be conceived by, organized, implemented, and managed independently by indigenous peoples who are not affiliated with the government **or** the Communist Party. The museum, if realized, should be built in one of the major cultural heritage areas of the indigenous peoples and the decision must be determined by non-government indigenous leaders. Each museum must be authentic and include *all tribal groups* in representation and include an accurate history of the indigenous peoples, **including their religious and political history.**