



សហព័ន្ធខ្មែរកម្ពុជាក្រោម
KHMERS KAMPUCHEA-KROM FEDERATION



**Report submitted to the
United Nations Special Rapporteur on field of Cultural Rights
On the Intentional Destruction of Cultural Heritage**

10 June 10, 2016

Introduction

Kampuchea-Krom is the Khmer name for the Mekong Delta and its surrounding regions of current day South Vietnam. The Khmer-Krom people are the ancient descendants of the people of Nokor Phnom (or Funan as referred in the Chinese translation). We have lived in the Mekong Delta since time immemorial. With over four hundred temples scattered across the twenty one provinces, Kampuchea-Krom is a land rich with tangible cultural heritages spanning thousand of years of history. For example, our religious and cultural center, Sampua-Ransi temple was built in 373 A.D in Preah Trapeang province¹ and Kouk Treng temple, built in 400 A.D in Mot Chrouk (renamed An Giang) province.

Since Vietnam's settlement of Kampuchea-Krom in 1600s, our ancestors have fought to keep our indigenous identity and Khmer culture alive. During the nineteenth century, the Vietnamese court attempted to assimilate the Vietnamese culture to the Khmer-Krom by forcing them to modify their clothes, eating habits and religion. In exchange for the right to keep our indigenous culture and traditions alive, the Khmer-Krom governor of the Preah Trapeang, Son Kuy agreed to sacrifice his life. Prior to his execution, he planted the Cheu Teal tree, with its roots upside down and declared that as long the tree lives, the Khmer-Krom culture will survive.² This is just one example of our cultural rights defenders that continue to this day and represent our dedication to cultural rights in our homeland.

INTENTIONAL DESTRUCTION OF TANGIBLE CULTURAL HERITAGE

Knowing the history of our cultural heritage sites is crucial in defining who we are and where we come from. Intentional destruction of our cultural heritage through the lack of recognition of its history, preservation or ways to safeguard its importance is a threat to the survival of our indigenous cultures and identity.

For example, the drying up of a sacred lake located in Preah Trapeang province called Sras Ku Srey, translated as "Female Pair Pond" caused great concern amongst the Khmer-Krom community. Not only is this lake a popular and beautiful destination for tourists, it is a historic lake depicting the origin of our tradition of engagement. Sras Ku Pros, translated as "Male Pair Pond" has since dried up due to its shallowness and Sras Ku Srey, the lake that has never dried up causing great sadness and concern amongst local indigenous Khmer-Krom people. Alarmed by the lack of response by the local authorities responsible for maintaining the site, a peaceful demonstration was held by Khmer-Krom youths and Theravada Buddhist monks seeking the protection of the sacred water. Police questioned youth activists and threaten their families. On 14th March 2016, an official letter was sent by the government to the clergies to order the cease

¹ Khmers Kampuchea-Krom Federation, The Khmer-Krom Journey to Self-Determination, USA, 2009, 78

² Philip Taylor, The Khmer Lands of Vietnam, NUS Press, 2014, 57

of any further gatherings from the community at the sacred site. An official statement from the provincial clergy association, under branch of the Vietnamese Buddhist Sangha, called for the Khmer-Krom people and the Buddhist monks to “remain silent on the issue” and to not “think about anything other than the business of family economics.” These actions are a direct violation of Article of 19 and 20 of the UN Declaration of Human Rights.

On 28th November 2014, an ancient gate leading the entrance to our Preah Trapeang province, was intentional demolished without the consent or consultation of the indigenous Khmer-Krom peoples living in the region. Unfortunately such instances are common place regarding our cultural heritage.

While the ancient Cheu Teal stands tall in testimony of our ancestor’s spirit and struggle for our right to live in accordance with our culture, its lack of protection and recognition by Vietnam and the greater global community has raised grave concerns amongst our Khmer-Krom people and Buddhist monks about intentional destruction of our natural and structural cultural heritages.

INTENTIONAL DESTRUCTION OF INTANGIBLE CULTURAL HERITAGE

Despite our history and deep cultural roots in Kampuchea-Krom, Vietnam does not recognize the Khmer-Krom people as indigenous peoples and instead refers to us as ethnic minorities. In its report to the UN Committee on Economic, Social and Cultural Rights at its 53rd Session, it states, “In Vietnam, there are no indigenous people.” We are prohibited from referring to ourselves as “Khmer-Krom.” The names of our lakes, rivers, villages and provinces have been changed to Vietnamese names erasing our cultural heritage and history.

Right to Freely Participate in Cultural Life

Our Khmer-Krom culture is guided by teaching of Theravada Buddhism and the presence of temple acts as a social and cultural hub that allows us to practice our religion, and maintain the Khmer language, which is instrumental to preserving our cultural identity. Our spiritual leaders are entrusted with the responsibility of not only teaching and promoting our religion but also ensuring that our social and cultural values, customs and language are practiced and passed to the next generation. Our Khmer-Krom Buddhist monks have and continue to play a crucial role in the defense, protection and transmission of our cultural identity. Recent attempts by our spiritual leaders to seek greater religious freedom and to open more Khmer classes were met with intimidation and interrogation, forced defrocking and prison sentences.³

The Vietnam government does not respect the right of the Khmer-Krom people to freely practice their religion. For example, the creation of the Patriotic United Buddhist Association (PUBA - Hội Đoàn Kết Sư Sãi Yêu Nước) is a tool to control all religious affairs in Vietnam. The Abbots leading the PUBA are given a salary, which means they are working for the government. According to our religion, Buddhist monks can only receive donations not salary. Such action by

³ <https://www.hrw.org/news/2009/01/21/vietnam-halt-abuses-ethnic-khmer-mekong-delta>

the government undermines the cultural importance that our spiritual leaders play in promoting the interest of the indigenous community rather than the State. Consequently, our sacred place of worship has also been comprised such the case of Wat Srolon Temple (Dai Tam Village) Soc Trang province where a flea market is set up inside temple's ground. And not too far, in another temple, (Wat Khleang), the inside of the complex is turned into a taxi station. The sanctity and sacredness of our worship centers are not respected and completely disregarded; violating our people beliefs and depriving them of the right to practice our religion with dignity. This is an intentional destruction of our traditions, beliefs, and our cultural practices. This is well documented by the UN Special Rapporteur on Freedom of Religion or Beliefs during his visit to Vietnam in 2014.

Traditional Sports and Games

In the Mekong Delta, the Dragon Boat Racing and the Ox Racing are two of the most well-known traditional sports of the Khmer-Krom people and is widely participated by Khmer-Krom as part of their culture. Unfortunately, these events are being exploited for tourism purposes and its commercialization has resulted in the Khmer-Krom people being deprived of their right to control and participate in their cultural sport.

Ms. Farida Shaheed, Special Rapporteur in the field of cultural rights also raised her concern after visiting Vietnam stating, "I am particularly, concerned by situations where people are asked to perform rather than live their own cultures, or having tickets for participation. I am talking for example of the Khmer's traditional sport of Bay Nui bull race, in some provinces of Southern Vietnam."

Right to Education

The Khmer-Krom people are not allowed to freely learn and use their indigenous Khmer language. The current teaching of the Khmer language in public schools attended by Khmer-Krom students is not a program that actually enables Khmer-Krom children to know their mother language. The Khmer language classes provide just two to three hours of unreliable programs per week for Khmer-Krom students to learn Khmer, which is inadequate time to learn any language. Therefore, most of the young Khmer-Krom now cannot read nor write their own language.

Venerable Ly Chanh Da, born 1988, at Prey Chop Temple, Lai Hoa commune, Vinh Chau district, Soc Trang province tried to open a Khmer language class in his temple, but was prohibited by the Abbot of the temple, Ven. Thach Houn, who is a congressman of the Vietnamese government. On May 16, 2013, Venerable Ly Chanh Da was arrested, defrocked, detained and tortured. A day later, he was forced to confess his alleged crimes on the Vietnamese Television. Fearing for his safety, he fled to Bangkok, Thailand to seek refugee status on June 17, 2013.

Despite the existence of the fundamental rights in Vietnam's constitution, the government has been able to use ambiguities in articles in the Penal Code to arrest and imprison our cultural defenders. For example Article 91 of Vietnam's Penal Code, "Fleeing abroad or defecting to stay overseas with the view to opposing the people's administration" was used against Ven. Thach Thuol and Ven. Lieu Ny for attempting escaped Vietnam along with others, Thach Quan

Tha and Thach Phum Rich after becoming fearful for their lives. They were sentenced for 2 to 6 years for the alleged crime. In actual fact, the only crime that Venerable Thach Thuol committed was to conduct an interview with the Internet Radio of Khmers Kampuchea-Krom Federation (vokk.net) speaking about the issue of Khmer-Krom children who cannot learn their Khmer language freely. Venerable Lieu Ny, born 1986, Abbot of Tra Set temple was accused of not obeying the Vietnamese authority to defrock Venerable Thach Thuol.

On behalf of our voiceless Khmer-Krom people living in the Mekong Delta, we would seek the help of the UN Special Rapporteur on Field of Cultural Rights to:

- Urge Vietnam to implement a procedure to establish a legal document to start recognizing the Indigenous Peoples in Vietnam. By recognizing the Indigenous Peoples, it shows the commitment of Viet Nam to resolve the differences between the government and the Indigenous Peoples and establish better policies to help the Indigenous Peoples to enjoy their fundamental rights as enshrined in the UNDRIP that Vietnam signed to adopt in 2007.
- Collaborate with UNESCO to help create capacity building projects on the ground to help increase awareness of UNDRIP, as well as through the use of social media such as Facebook and twitter. The implementation of UNDRIP is only successful if the indigenous peoples themselves are aware of it.
- Seek the help of UNESCO to create educational programs that capture the oral history of the indigenous peoples and places.
- Collaborate with UNICEF to build programs that introduces indigenous languages from preschool through primary school, building on existing system of school structured within our temples.
- Ask Vietnam to release all cultural defenders such as Venerable Lieu Ny and Thach Thuong from prison.
- In the promotion and protection of our cultural identity, we ask Vietnam to include the original names of the Khmer provinces and other historically significant places in signs and documentation.
- Ask that Viet Nam recognize the Khmer language as an official language in Kampuchea-Krom. All applications including forms, signs and legal documents should be written in both Khmer and Vietnamese.
- Urge Vietnam to ensure that our cultural sports are not losing its tradition for the purposes of tourism.
- Urge Vietnam to respect the Khmer-Krom identity. They should be allowed to refer to themselves as "Khmer-Krom" without fear or discrimination.
- Allow for establishment of independent indigenous associations, communities and religious institution that can advocate for and promote people's rights and debate policies that affect their communities in recognition of the right to maintain and strengthen our Khmer culture and language, and to gives us a choice to choose if we want to participate in the political or social life of the State.
- Create a UN witness protection program for the indigenous people from being harmed when a member of their family has been interrogated by the government law enforcement or has been accused of committing a crime against the government.

Appendix 1:

**People's Committee of Tra Vinh Province
Department of Culture, Sports, and Tourism
Happiness**

**Republic Socialist of Vietnam
Independence – Freedom –**

**No. 113 / SVHTTDL
Cooperation and Conservation Assistance
The Heritage of “Daun Om” Historical Water Pond**

Tra Vinh Province, 14 March 2016

To: Association of the Patriotic Buddhist Monks of Tra Vinh Province

Presently, the Mekong River Delta is facing the crisis of rising salt water and the long term draught which severely affect the livelihood and food productions of the people in that region. According to the statement from the government authority, all of these problems are caused by the “El Nino” climate change.

The volume of the available fresh water this year is less than what it was in the previous years and it still keeps declining. The delaying of the season changes at the end of 2013 and the early 2014 is the sign of the declining of rainfalls in the Mekong Delta. Especially, the rainfalls in 2014 was remarkably low, resulting in the decreasing fresh water flowing in this delta as well as the unusually rising of the salt water which flooded this region more than the past few years.

The impacts of this climate change negatively affects every village, commune, and district in the province, including the natural beauty of this historical “Daun Om” water pond caused by this long draught and baked cracks. In addition to that, the lacking of protection and conservation of this water pond has led to the increasing of silt and sand flowing into it which make it very shallow. Besides the damaging on the livelihood of the people in this area, it also impacted on the foreign tourism at this historical pond.

Per recommendation from the People's Committee of Tra Vinh Province, the Department of Culture, Sports, and Tourism, in collaboration with other various government agencies, must conduct their research studies about the negative effects and damaging on this water pond.

Unfortunate, there is a group of bad individuals who tried to exploit the situation of draught of “Daun Om” historical water pond as a scapegoat to cause the instability among the people, especially the Khmer Buddhist monks. Therefore, we issued an executive order to every appropriate government's departments and agencies to maintain the solidarity and stability through their collaboration with the people in these communities for the protection, restoration, and conservation of this beautiful “Daun Om” historical water pond.

We hope to receive the consideration and cooperation from the Association of the Patriotic Buddhist Monks in Tra Vinh Province.

Tran Thach Thuong,

Director

Translation from the Vietnamese language on 25 May 2016

Picture 1: Peaceful protest by local youths and Khmer-Krom Buddhist monk seeking protection of the sacred water at Sras Ku Srey.



Picture 2: Destruction of gate to Preah Trapeang Province



Destruction date: November 28th 2014

Picture 3: Cheu Teal Tree

