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KKF's Submission Input for the Report on "Establishing monitoring mechanisms at the national and regional level for implementation of the UN Declaration on the Rights of Indigenous Peoples"

The Khmer-Krom people, an indigenous group residing in the Mekong Delta region of southern Vietnam, have been struggling to recognize their indigenous identity and for the protection of their rights. Despite being recognized as an indigenous group under the UNDRIP, the Khmer-Krom people continue to face discrimination, land dispossession, and cultural assimilation. Establishing monitoring mechanisms at the national and regional level is crucial for ensuring the implementation of UNDRIP and protecting the rights of the voiceless Khmer-Krom people.

The Khmer-Krom people have faced a long history of marginalization and discrimination in Vietnam. The Vietnamese government has consistently denied the indigenous status of the Khmer-Krom people and has implemented policies that have resulted in their cultural assimilation and land dispossession. The Vietnamese government has also suppressed any attempts by the Khmer-Krom people to assert their identity and advocate for their rights, often through the use of fear, violence, and repression.

The Vietnamese government has implemented policies that have resulted in the dispossession of Khmer-Krom people's lands, depriving them of their primary source of livelihood and cultural identity. The Khmer-Krom people have been particularly affected by the government's land policies. The government has often ignored the Khmer-Krom people's customary land tenure and has allocated lands to state-owned enterprises and foreign investors without their consent.

The Vietnamese government has implemented policies that have sought to suppress the Khmer-Krom people's cultural practices and language, often through the use of violence and repression. These policies have eroded the Khmer-Krom people's cultural identity and have made it difficult for them to maintain their traditional ways of life. The government's policies aimed at cultural assimilation have also affected the Khmer-Krom people.

The Vietnamese government has yet to fully implement the UNDRIP and recognize the Khmer-Krom people's indigenous status. The government has often ignored the Khmer-Krom people's complaints and has failed to address their concerns regarding land dispossession and cultural assimilation. It has also suppressed any attempts by Khmer-Krom activists to distribute the UNDRIP document (like the case of Duong Khai), often resulting in their arrest and detention. Moreover, when the Khmer-Krom people organize the celebration of the adoption of the UNDRIP, they frequently face a threat to interrupt the event, and whoever is participating in the event faces reprisals.

Monitoring mechanisms should be established at the national and regional levels to ensure the implementation of UNDRIP and the protection of the Khmer-Krom people's rights. At the national level, monitoring mechanisms should be designed with the participation of Khmer-Krom representatives and have the capacity to receive and investigate complaints of human rights violations against the Khmer-Krom people. The Vietnamese government should also establish an independent human rights commission to monitor the implementation of UNDRIP for the Khmer-Krom people.

At the regional level, monitoring mechanisms can be established through regional human rights bodies or intergovernmental organizations, such as the Association of Southeast Asian Nations (ASEAN). These mechanisms can facilitate dialogue and collaboration between governments, civil society organizations, and indigenous communities to address regional issues affecting indigenous peoples. They can also provide a forum for sharing best practices and learning from the experiences of other countries and regions.

To address these issues and ensure that the rights of the Khmer-Krom people are protected, it is essential to establish monitoring mechanisms at the regional level to track progress in implementing UNDRIP and hold governments accountable for violations of indigenous rights. This could include creating an independent body or commission with a mandate to monitor the implementation of UNDRIP in Vietnam and other Southeast Asian countries and to investigate and report on cases of human rights abuses and violations of indigenous rights.

Such a monitoring mechanism could raise awareness of the challenges facing the Khmer-Krom people and other indigenous communities in the region and provide a platform for advocacy and action on their behalf. It could also help to build partnerships and alliances between indigenous peoples' groups and civil society organizations and create opportunities for dialogue and engagement with governments and other stakeholders.

In addition to monitoring and reporting on violations of indigenous rights, a regional monitoring mechanism could also promote best practices and share information on successful strategies for protecting the rights of indigenous peoples. This could include the development of guidelines and tools for governments and other stakeholders to implement UNDRIP and respect the rights of indigenous communities, as well as sharing case studies and examples of successful interventions.

A regional monitoring mechanism could help promote greater accountability and transparency in implementing UNDRIP and encourage governments to address human rights abuses and violations of indigenous rights. This could include establishing complaint mechanisms and other channels for indigenous communities to report violations of their rights and providing support and resources to help communities assert their rights and seek redress for violations.

Establishing monitoring mechanisms at the national and regional level is essential for protecting the rights of the Khmer-Krom people and ensuring the implementation of UNDRIP. These mechanisms should be designed with the participation of Khmer-Krom representatives, have the capacity to receive and investigate complaints of human rights violations, and provide a forum for dialogue and collaboration between governments, civil society organizations, and the Khmer-Krom community. By establishing these mechanisms and taking the following recommendations, Vietnam can take concrete steps towards genuine implementation of UNDRIP and ensuring that the rights of indigenous peoples are protected and respected:

1. Recognize the Khmer-Krom as indigenous peoples by creating a legal framework to begin this recognition: Vietnam should officially recognize the Khmer-Krom as indigenous peoples and provide them with the same protections and rights as other indigenous communities.
2. Protect the rights of indigenous activists by establishing a National Human Rights Institution: Vietnam should respect and protect the rights of indigenous activists to advocate for their rights, including the right to distribute information about UNDRIP.
3. Translate UNDRIP to indigenous languages: Vietnam should translate or seek the help of UN agencies such as UNDP to translate UNDRIP into the Khmer language and distribute it freely to indigenous communities.
4. Celebrate the adoption of UNDRIP without harassment or reprisals: The Vietnamese government should allow for peaceful celebrations of the adoption of UNDRIP without harassment or retaliation against participants.
5. Incorporate UNDRIP into national laws and policies: Vietnam should incorporate the principles of UNDRIP into national laws and policies, such as creating a UNDRIP Act as implemented by the Gov. of Canada in June 2021, to ensure that the rights of indigenous peoples are protected and respected.
6. Address land rights issues: Vietnam should address land rights issues faced by indigenous communities, including providing them with secure land tenure and protecting their access to natural resources.
7. Consult with indigenous communities: The Vietnamese government should engage in meaningful consultation with indigenous communities to ensure that their perspectives and rights are considered in decision-making processes without using fear and intimidation tactics.
8. Address and respond to Mandates of the Special Rapporteur Ref.: AL VNM 5/2022 dated 18 October 2022, and on the rights of Indigenous Peoples.
9. Show commitment as a member of the Human Rights Council to protect and promote human rights: Stop ongoing reprisals, including intimidations, harassment, and torture against the Khmer-Krom activists who merely stand up to demand their fundamental rights.