

Expert Mechanism on the Rights of Indigenous Peoples 17th Session

Item 8: Panel discussion on the rights of Indigenous Peoples in post-conflict situations and peace negotiations, agreements, and accords

Speaker: Putheany Kim

Distinguished Chair and Delegates,

I am honored to speak on behalf of Khmer-Krom people, indigenous people living in the Mekong Delta region in Southern Vietnam.

Indigenous Peoples sacred and ancestral homelands have turned into battle fields which are desecrated during conflicts. The legacy of destruction remains unless the land is restored and collective right to self-determination actively being protected and fulfilled.

During the conflict and changing of borders, our homelands were decimated and rights denied. The settler society of Vietnam arrived in our traditional lands and have never taken actions to remedy the conflict. In fact, our most basic right of self-identification is ignored and the government aims to make us invisible without recognizing our indigeneity.

We constantly struggle with obtaining recognition as indigenous peoples, which in turn has negative implications in any post-conflict situations, peace negotiations and agreements. The Khmer Krom community remains isolated from legislative processes which inevitably impacts our sacred lands and our right to self-determination.

During the Vietnam war, Khmer Krom peoples were enlisted as soldiers and the Mekong Delta, our sacred land, was used as one of the military encampments. This has left our people with immense trauma and our lands suffering from environmental degradation.

The Paris Peace Accord signed in 1973 recognized the right of all Southern Vietnamese residents to self-determination, which should include the Khmer Krom community as well as Vietnamese people. Still, there were no efforts to offer assistance in improving indigenous health and rebuilding the indigenous community by the Vietnamese government.

The Khmer Krom people were left on their own, but remained resilient in recovering our wellbeing and our lands. Our efforts to try to restore our indigenous communities have been mislabeled as anti-government initiatives with the use of article 331 of the Vietnam Criminal Code. This falsehood of our right to self-determination undermines our struggles as indigenous people and keeps our participation out of legislative processes.

Evidently, thirteen individuals including our Buddhist monks are detained and arrested for merely educating fellow Khmer-Krom people about their fundamental rights of the UNDRIP. Unfortunately, our indigenous detainees do not get the right of a fair trial or the option to any legal assistance, which further enhances the severe discrimination that indigenous peoples face within the government.

We urge EMRIP to consider the following:

1. It is imperative that indigenous peoples like Khmer-Krom are not just passive recipients of peace but active participants in peace negotiations. Their perspectives are valuable and vital for sustainable peace.
2. It is a grave injustice that peace agreements do not explicitly recognize and protect the land rights of indigenous communities like the Khmer-Krom. This must change. Post-conflict reconstruction efforts should prioritize preserving and revitalizing indigenous languages and traditions.
3. Peace agreements should establish precise mechanisms to monitor and address violations of indigenous rights.

We, the Khmer-Krom, were excluded from the table, our voices silenced in decisions that directly affect our future.

Peace cannot be complete without addressing the historical and ongoing injustices faced by indigenous communities.

Thank you.