

Fourteenth Session of United Nations Permanent Forum on Indigenous Issues

Item 8: Future Work of the Permanent Forum

Study into cross-border issues, including recognition of the rights of Indigenous Peoples to trade in goods and services across borders and militarized areas and Study of Traditional Knowledge of the United Nations Declaration of the Rights of Indigenous Peoples Post 2015 Agenda

Khmers Kampuchea-Krom Federation and the Khmer Kampuchea-Krom Temple

Speaker: Conduct Hang

Madam Chair,

We thank the Permanent Forum for the study by Madam Chair (Megan Davis) that sheds light on important cross-border issues for indigenous people. It highlights the need for good bilateral relations among nations with indigenous communities whose members are spread across borders. We would like to see further studies include Asia. Therefore, we recommend the following:

1. We encourage the Permanent Forum Experts to conduct or facilitate research specific to Southeast Asia regarding the impact of cross-border issues faced by Indigenous Peoples living in Southeast Asia. Indigenous peoples are impacted by the new borders imposed on them.
2. We urge the Permanent Forum Experts to collaborate with Indigenous representatives from Southeast Asia to synthesize a joint report and recommendations for States to consider when encountering cross-border issues.
3. We ask that states whose Indigenous Peoples are isolated by political borders to include Indigenous Peoples rights as part of bilateral relations policy.

Merely having good bilateral relations does not automatically mean the issues are solved for Indigenous Peoples. It must also be a precondition that all states involved take serious measures to respecting the rights of indigenous people, particularly in respect to Article 36 of the UNDRIP - the right of indigenous peoples to maintain and develop contact with their own members as well as other peoples across borders. The right to freedom of movements and contact across borders is also protected by International Covenant on Civil and Political Rights in such articles as Article 12 and 27.

These rights are yet to be realized for many Indigenous Peoples in Southeast Asia where states cooperate with each other to prevent and prosecute anyone who tries to exercise their right to free association and contact across borders. States in Southeast Asia try to sever ties among

Indigenous Peoples so that we cannot have meaningful ways to interact with each other to share, promote, and protect our common identities.

In 2007, a Cambodian monk of the Khmer-Krom origin was arrested in Cambodia and deported to Vietnam for trial and sentencing, solely for the crime of having contact with outside Khmer-Krom rights organizations and providing shelters to other Khmer-Krom Indigenous People in Cambodia fleeing Vietnam. This collusion between states is common in Southeast where one could be prosecuted for connecting with members across borders because it “undermines” the states’ friendship.

Because members are isolated across national boundaries, cross border contact is very important to indigenous people in their attempt to preserve the identity and culture.

These contacts may manifest in religious ceremonies, like the Buddhist Kathin ceremony of giving robes to monks at different temples. For the Khmer-Krom Indigenous People of the Mekong Delta, neither side of the border can come and go freely to partake in these ceremonies without some form of surveillance, intimidation, or harassment by the Vietnamese government.

The Montagnards or the Degar people of Vietnam’s central highland virtually have no contact with their brethren in the Northeastern region of Cambodia and vice versa on the cultural sphere. They have lived and traded with one another prior to any current recognized international border today. Cultural contacts in the past have been discouraged because it is seen as a threat that will lead into “disharmony” for the nation’s various ethnic groups that lie within Vietnam.

The livelihoods of Indigenous Peoples across Southeast Asia are dependent on lands and ecosystems that span across many borders. The Khmer-Krom of South Vietnam are dependent on the Mekong Delta and the Mekong River which stretches across Burma, Laos, Cambodia, and Vietnam. Construction of the Xayabury Dam in Laos threatens to disrupt the Mekong River and the smaller rivers and lakes that it feeds into.

On the Black River, which is the main life source for the Tai people, three massive hydroelectric dams were built: the Hoa Binh dam operated in 1994, the Son La dam in 2012, and the Lai Chau dam to be completed by 2017. This has already overrun rice fields, displacing 200,000 Tai people on barren hillsides. These are only a few examples that will greatly harm Indigenous Peoples of Southeast Asia as it will decimate agriculture and fisheries, restrict trade and movement along the Mekong River, and force Indigenous Peoples to resettle.

We hope to see that the future studies of the Indigenous People of Southeast Asia are incorporated within the cross-border studies.

Thank you.