

Structural Analysis of Cultural Systems

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Report on Indigenous Rights Situations in South East Asia

On behalf of the research institution Structural Analysis of Cultural Systems (S.A.C.S.), this report briefly describes the outcomes of a visit to Cambodia, Laos and Vietnam in March 2017.

All three countries are presently under the rule of communist/socialist regimes. There are differences, however, with regard to particular effects of recent history, as well as to external relations of these countries. Both the governments' orientations and national specificities have bearings on the indigenous peoples' respective situation in these countries.

We witnessed general endeavours, especially in Laos and Vietnam, of urging indigenous peoples to leave their traditional territories in forests and on hillsides in order to settle down along the roads and in existing localities that are attached to rather globalised infrastructure. We visited such relocated groups in both countries mentioned. These were communities of Akha, Lanten and Bahnar.

In Cambodia, indigenous peoples, like most inhabitants of the country, still suffer from the atrocities committed by the Khmer Rouge regime. Today, one can meet survivors of various ethnic groups, who live scattered over the country, as their parents and other family members have been killed. These survivors now have to make their living without being embedded in a traditional community.

In Laos, we gave workshops explaining the UN Indigenous Rights in an Akha and in a Lanten community; both of these communities are situated west of Luang Namtha. Other than the forced sterilisations of indigenous women in Thailand, the Lao government only advised sterilisations after the birth of two children, according to an Akha representative. These sterilisations were carried out without charge. Another problem, which has an impact on indigenous peoples of Laos and in particular on the Akha, is China's one-child-policy. As male lineage holders are preferred, girls are selectively aborted, which has led to a surplus of young Chinese men. There is a strong Chinese influence in the North of Laos anyway; young Chinese men search for young indigenous women to take them to China as their wives. The girls' families were paid for

that, as the Akha representative reported. Some of these marriages failed, which put the indigenous women into difficulties in China.

We were also informed that the Lao government's urge towards indigenous peoples to leave their traditional territories was associated with the fact that such areas were declared as nature reserves. Once relocated next to a road and near a town, indigenous peoples now send their children to school, where they learn the Lao language. However, people of the Akha communities alternately cultivate rice and rubber trees. According to our Akha informant, there was no more traditional killing of newborn twins nowadays. But these families were banished, and after the twins had been given up for adoption, the families could return to the village.

In Vietnam, we found that members of various ethnic groups are suffering under present policies. A representative of an ethnic group in South Vietnam reported about suppressions if one of the parents had worked for any US facility, such as an airport, during the Vietnamese War.

There have been recent reports about indigenous peoples in Vietnam, so-called Montagnards, who are presently persecuted by Vietnamese officials.¹ These indigenous peoples are also called "Jungle Christians", as they had adopted Christianity, which they now practice in their own ways. Since 2014, they have been fleeing across the border to Cambodia. As a reaction to that, the Vietnamese government has called on Cambodian government to extradite these refugees. The political relation between Cambodia and Vietnam is still very much characterised by Cambodia's gratitude towards Vietnam, which has brought down Pol Pot, the Khmer Rouge dictator. In fact, after consultations with UNHCR, Cambodia has granted asylum to only a small number of these refugees.² The majority of them is fearing extradition to Vietnam³ and is therefore hiding in the Cambodian forest.⁴

As we wanted to visit a traditional Montagnard region between Pleiku and An Khe, we tried to book a transport through an official travel agent. But it seemed that he was instructed to keep foreigners away from that region, telling us scare stories and saying that this area was forbidden for foreigners. In a second attempt, we were able to book a car with driver and guide in a different place. It turned out that the assertions about restrictions in that region were not true. Without any problems, we were able to visit a Bahnar village in vicinity to the main road. This community had been relocated in 1997. The younger people reported that their parents had not told them why this relocation had happened. They still speak their indigenous language, but due to the fact that they sell groceries along the road, they now also speak Vietnamese. Also, their children can go to school now. Yet, there is certain segregation from the non-indigenous Vietnamese population. Our guide, a Vietnamese from town, was somewhat surprised himself and said that he had never been in contact before with this ethnic group.

As travellers reported that officials tried to prevent foreigners to visit the region close to the Cambodian and Laos border triangle in 2003 because there were secret prisons or re-education camps where South Vietnamese were kept, such a reason could

¹ E.g. Human Rights Watch report, 26 June 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>.

² http://opendoorsuk.org/news/stories/vietnam_160125.php

³ <https://newint.org/features/web-exclusive/2015/07/10/cambodia-vietnam-persecuted-christians/>

⁴ https://www.vice.com/en_us/article/nn9zbb/in-the-jungle-and-on-the-run-from-vietnam

also be a possible explanation for the present attempts to keep visitors away from the region we went to. What is known is that there is a large military base near An Khe.

Another problem to be mentioned is the relocation of the traditional population of the Ha Long Bay to the mainland. These people had been living for hundreds of years in the caves of Ha Long Bay's spectacular rocks. In the name of conservationism, they had to leave their traditional region, except for a small number, for whom some small houses on artificial, floating platforms have been installed, and who now have to work for the tourists. Actually, supported by USAID and popularised by one of the James Bond movies, Ha Long Bay has become one of South East Asia's main tourism hot-spots.

In addition to the general assessments of the situations and the workshops mentioned, an additional presentation was given to a tour operator in Luang Namtha, Laos, with a focus on culturally sustainable tourism. Also, investigations were carried out in Laos and Vietnam, such as our cross-cultural study on olfactory perception, with full, free, prior and informed consent of the respective persons.

Synoptically, the processes going on in South East Asia, which are affecting indigenous peoples, give rise to serious concerns. It is not only the progression of globalisation that is destabilising their cultures. Moreover, apparently motivated by ideas as how a communist or socialist society should be like, the governments carry out policies that are targeted at destroying traditional indigenous culture and at integrating indigenous peoples into their system. By doing so, many of the articles of the United Nations Declaration on the Rights of Indigenous Peoples are violated. These governments disregard the indigenous peoples' right to self-determination (Art. 3). By advising, urging or forcing indigenous peoples into the schooling system, they also disregard their right to establish and control their own educational systems (Art. 14). Due to the social and political pressure they are exposed to, the indigenous peoples are prevented from having a free choice to practice their right to revitalise their culture (Art. 11). Relocation of indigenous communities is a severe violation not only of their right to self-determination, but, in addition, of their land rights (Art. 8; Art. 25; Art. 26). This is particularly alarming, as the governments are actually obliged to protect indigenous culture (Art. 8; Art. 31), as well as indigenous territories (Art. 27; Art. 29). Therefore, we strongly recommend that a fair and open discourse be pursued between government and indigenous representatives, in order to seek an amelioration of relations.

We hope that this report helps to bring about positive changes for the indigenous peoples of South East Asia, so that they can fully exercise their rights, and that these rights are fully respected by the governments and subordinate authorities. In an optimised mutuality, both sides could profit. This would also be the safeguarding of best practices on the part of indigenous peoples, such as the lasting prevention of infanticide.

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