

Vietnam: A Case Study in Indigenous Repression

I. Introduction

On the eve of President Obama's visit to Vietnam in May of 2016, the directors of Human Rights Watch sent the president a letter urging him to raise human rights concerns in public and in private with Vietnamese authorities. The directors note that freedoms of expression, association, and assembly are limited, the media is controlled and censored, courts lack independence, and that Vietnam's new president, General Tran Dai Quang, is the former head of the country's notorious Ministry of Public Security.¹ The letter urges President Obama to explicitly articulate that the United States stands with activists and their struggle to obtain basic freedoms, and that the United States requires Vietnam to uphold internationally recognized human rights standards in order to create a closer diplomatic relationship. However, President Obama's visit did not fulfill many of the human rights organizations' recommendations, as the closest he came to chastising Vietnam's human rights record was to clarify: "I made it clear that the United States does not seek to impose our form of government on Vietnam or any nation ... at the same time, we will continue to speak out on human rights."²

A combination of economic priorities and geopolitical goals prevented President Obama from demanding that Vietnam raise its human rights standards. In light of the increasingly tense situation of Chinese aggression in the South China Sea, Vietnam has been growing in strategic

¹ Adams, Brad, and Sarah Margon. "Re: Vietnam." Letter to President Barack Obama. 27 Apr. 2016. Human Rights Watch. Web.

² Dove, Edward-Isaac. "Obama, Muted on Human Rights, Lifts Arms Embargo on Vietnam." Politico.com. May 23, 2016.

and economic importance.³ Despite pleas from human rights groups to delay the decision until the regime released political prisoners, Obama preferred to declare Hanoi a closer partner of the United States by announcing the end of America's arms embargo on Vietnam.⁴ While the president did meet with civil society leaders in a gathering intended to make a statement about the need for democratic reform, several Vietnamese political activists that were scheduled to attend the meeting were blocked from participating by the Communist government.⁵ Those barred from the meeting included journalist Doan Tran; Nguyen Quang, a candidate for the National Assembly; and Ha Huy Son, a lawyer who has represented dissidents.⁶ Ben Rhodes, President Obama's national security aide, has been the loudest voice from the White House discussing the incident. "Clearly this is something that was a source of significant discomfort from the government... A number of people felt either prevented from or uncomfortable attending the meeting. We will follow up to make sure that all the individuals are free and not being in any way subject to punishment."⁷ Secretary of State John Kerry described the visit as a 'demarcation point' in relations between the two countries.⁸ Obama defended the parameters of his visit by arguing that engagement encourages human rights progress: "By us meeting with them, by us shining a spotlight on their stories, by us indicating... there are certain universal

³ Calamur, Krishnadev. "Why Obama is Overlooking Human Rights Worries in Vietnam." *The Atlantic*. May 24, 2016.

⁴ Ibid.

⁵ Nakamura, David. "Obama Nudges Vietnam on Human Rights, But Several Political Activists Barred from Meeting With Him." *The Washington Post*. May 24, 2016.

⁶ Ibid.

⁷ Lee, Carol E. "Barack Obama Voices Human Rights Concerns in Vietnam." *The Wall Street Journal*. May 24, 2016.

⁸ Ibid.

values that we care deeply about and that we're going to stand with, that helps," President Obama told reporters.⁹

If only the president's visit had actively shined a light upon the plight of ethnic minorities in Vietnam. The state is marked with a history of ethnic conflict and genocidal policies towards its indigenous populations and poverty. The Vietnamese government's efforts to modernize and increase development have disenfranchised the indigenous communities. Furthermore the government sponsors discriminatory legislative measures against indigenous communities. The violations have captured the attention of several international bodies, including United Nations special rapporteurs and committees.¹⁰ Recognizing these warning signs, as well as reports of genocidal acts committed by the Vietnamese government, a recent petition to the United Nations Security Council argues that the government of Vietnam is currently implementing a systemic campaign of genocide against its indigenous peoples.

The principal indigenous populations that are targeted by governmental persecution are the Hmong, Cham, Degar (or Montagnard), and Khmer Krom peoples. Domestic and international human rights groups allege that the Vietnamese government has subjected these peoples to coordinated and consistent policies that reduce the size of their population, separate them from their ancestral lands, limit their religious and cultural practices, discourage efforts to organize and exercise self-governance and self-determination rights, and prevent them from

⁹ Doovere, Edward-Isaac. "Obama Defends Human Rights Effort in Vietnam." *Politico*. May 26, 2016.

¹⁰ The UN Special Rapporteur in the Field of Cultural Rights, the UN Committee on the Elimination of Racial Discrimination, the UN Independent Expert on the Question of Human Rights and Extreme Poverty, and rights organizations including the Human Rights Watch and Amnesty International have released numerous reports within the last decade condemning the Vietnamese government for its treatment of its indigenous peoples.

voicing criticism of government policies and practices.¹¹ This persecution is embedded in a long history of repression, genocide and crimes against humanity inflicted upon the indigenous peoples, which was exacerbated by the military support indigenous people provided to the French and United States forces during the Indochinese Wars (1946-1989). Today, the indigenous people in Vietnam who openly protest these violations suffer harassment, intimidation, arbitrary arrest, and imprisonment. The government aims to remove the indigenous peoples from the political, social, and economic life of the state, and its violent tactics are effectively eliminating a major portion of the indigenous population from civil society. Although there is little data available about relative declines in indigenous population rates, mass imprisonment removes indigenous people from life within the state, and violent crackdowns on Montagnard protests has led to their flight from Vietnam, prompting a refugee crisis on the Cambodian border.

This paper examines the various forms of Vietnamese repression of its minorities. The first section of the paper investigates the history of ethnic classification in Vietnam and identifies indigenous peoples' historical presence in Vietnam, clarifying pre-existing patterns of repression. The second section of the paper summarizes the Vietnamese state's current policies and acts of persecution, and determines that these acts do fall under the definition of genocide as established in the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. Article II of the Convention, in a definition later appropriated by Article 6 of the Rome Statute, defines

¹¹ Sklar, Morton. "Petition to the United Nations Security Council Requesting Referral of a Case of Genocide and Crimes Against Humanity to the International Criminal Court Against the Government of Vietnam for the Violent Persecution and Treatment of its Indigenous Peoples" petition, 2016.

“genocide” as “acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group,” including:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting upon the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group...¹²

Therefore this section focuses on (a) government acts of violence and killings of indigenous peoples; (b) the government policies of arrest and torture of indigenous peoples; (c) developmental policies that include seizure of ancestral lands, forced dislocations, and unequal migration policies; and (d) accounts of targeted sterilization measures. It will also examine the government’s discriminatory political legislation and economic and social policies towards its indigenous peoples.¹³

The concluding section will examine the impact of the government’s discriminatory and persecutory policies upon its indigenous peoples through an analysis of official census data and population statistics. Current state practices and policies in Vietnam have impaired the indigenous populations’ access to healthcare, education, and income opportunities. Should this history of persecution continue in its various forms and at the accelerated rate of recent years, the indigenous population will become extinct, as Vietnamese leaders wish.

II. Indigenous Minorities: Historical Background

¹² UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, available at: <http://www.refworld.org/docid/3ae6b3a84.html> [accessed 9 May 2016]

¹³ This section will focus heavily upon acts that target the Montagnard indigenous and religious minorities of the Central Highlands region, as there is a preponderance of accounts and evidence related to the effects of government policies upon the Montagnards due to their active advocacy groups based outside Vietnam.

Vietnam has 54 ethnic groups, 87% of which are the majority Vietnamese (Kinh) population.¹⁴ According to the last countrywide census in 1999, the ethnic minority groups include 1.9% Tay, 1.8% Thai, 1.5% Muong, 1.5% Khmer, 1.1% Nung and 5.3% others.¹⁵ Although the government recognizes ethnic minorities in terms of the “54 groups” classification, it does not recognize any of these minorities as indigenous peoples.

Terminology and names are important. The process of ethnic group classification greatly impacts how researchers may interpret current census data as well as the policy options available to the Vietnamese government, and so this paper will here explore the history of the classification operation. The official Vietnamese demographic classification delineates 54 ethnic groups, including the majority Kinh and 53 ethnic minorities. The process of classifying groups is perceived in Vietnam as a means of implementing targeted policy measures for each group. Thus, ethnic groups have striven to be acknowledged as unique peoples within the classification system.

North Vietnam began the complicated process of ethnic group determination in the 1960s while still divided from the south, and announced the 54 ethnic groups in the List of Ethnic Group Composition of Vietnam in 1979.¹⁶ The determination of ethnic composition played an important role in strengthening the new Communist government’s unification and integration of the nation state. The government announced that through group classification, previously

¹⁴ “Report on Human Rights in Vietnam, 2015.” Vietnamese Human Rights Network, 2015, http://www.vietnamhumanrights.net/english/documents/Report%20HRVN2015_Net.pdf

¹⁵ United Kingdom: Home Office, *Country Information and Guidance: Vietnam: Ethnic Minority Groups*, December 2014.

¹⁶ Masako, Ito. *Politics of Ethnic Classification in Vietnam*. Trans. Minako Sato. Vol. 23. Kyoto: Kyoto UP, 2013. Print. Kyoto Area Studies on Asia. Pg. 1.

oppressed ethnic minorities might be liberated and guaranteed equality.¹⁷ Following the announcement, the Vietnamese government did propose several policy measures for ethnic minorities, including the formulation of orthography for minority languages and education, cadre development programs, protection of the cultures and traditions of ethnic minorities, and special preferential treatment programs for schooling.¹⁸ However, these policy measures in large part remained mostly mouthed slogans, rather than funded ventures, and little improved the indigenous populations' lives.

The push for ethnic group classification and the notion that classification might unify the country stemmed in large part from observations of the Soviet Union's demise. The Vietnamese Communist Party, having witnessed the destabilization of the Soviet Union due to ethnic minority issues in the late 1980s, began working to minimize ethnic differences and reinforce national integration.¹⁹ However, the operation of the 1960s-70s had been solely initiated by the state, and applied from the top-down to individual ethnic minorities.²⁰ Ethnic minority subgroups soon began to appeal for recognition as distinct ethnic groups on the basis of self-consciousness, culture and tradition, linguistic uniqueness and common historical origin.²¹ These appeals were denied by the government, which feared an ever-increasing number of official groups. Thus, representations of ethnic groups in population statistics are distorted by inaccurate group identification, and the efficacy of policies that are structured around the "54 group" classification is greatly impaired.

Notable Ethnic Groups

¹⁷Ibid, 2.

¹⁸ Ibid, 2.

¹⁹ Ibid, 4.

²⁰ Ibid, 5.

²¹ Masako, Ito. *Politics of Ethnic Classification in Vietnam*, 5.

The Kinh people lived only in the Red River Delta for most of their history (from 111 BC to AD 939), when Vietnam was a directly ruled province of the Chinese empire.²² The Kinh expanded into the Mekong Delta after independent Vietnam took over the kingdom of Champa in 1571, and settled within the modern borders of Vietnam by the middle of the eighteenth century.²³ The Kinh based their economy on wet rice farming, which is highly dependent on complex systems of irrigation, and so Kinh communities developed a strong collective spirit.²⁴ Each village could be quickly mobilized, along with neighboring villages, in the event of foreign invasion, which enabled the state to withstand several Chinese invasions.²⁵ The Kinh-Vietnamese language, however, is heavily influenced by China, and can be termed Sino-Viet.²⁶ Today, the Kinh form 90 percent of the Vietnamese population, most of whom live in lowland areas, but have been recently immigrating in large numbers to the highlands. At the end of the Vietnam War in 1975, a baby boom pushed Vietnam's population to unsustainable levels, and in 1976 the government issued a two-child-only directive.²⁷ The policy has been enforced mainly upon the Kinh.²⁸

The indigenous populations of the Central Highlands region are known today as the Montagnard (though in pre-colonial times they were known as Moi, or 'savage' by the lowland ethnic groups, and in colonial times were named "*Sauvages*" by the French).²⁹ Political dissident

²² SarDesai, D. R. *Vietnam, past and Present*. Boulder, CO: Westview Press, 1998.

²³ Ibid.

²⁴ Ashwill, Mark A. and Thai Ngoc Diep. *Vietnam Today*. Maine: Intercultural Press, Inc., 2005.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ashwill, Mark A. and Thai Ngoc Diep. *Vietnam Today*.

²⁸ Ibid.

²⁹ Oscar Salemink. *The Ethnography of Vietnam's Central Highlanders: A Historical Contextualization, 1850-1990*. Honolulu, Hawai'i: University of Hawai'i Press, 2003.

communities prefer to be called the Degar, but this term's use is not yet widespread.³⁰ Of the 54 ethnic groups in Vietnam, nineteen belong to the Montagnard indigenous population, while the demographic composition of the Central Highlands has changed in recent decades with the immigration of Kinh and upland minorities.³¹ Over two thousand years ago, the Montagnard resided in northern Vietnam, but were eventually pushed into the Central Highlands by waves of Vietnamese and Cham settlers into the 1600s.³² Many academics have suggested that four Austronesian-speaking groups, including Jarai, Ede, Raglai, Chu Ru, and the Cham people emigrated from southern China or the Indonesian archipelago to the southern coast land of central Viet Nam.³³ The Cham people remained on the land and later established the Champa Kingdom, while the other Austronesian-speaking peoples moved west through the mountains to occupy the center of the Central Highlands. This migration forced the Bahnar and Xo Dang peoples to migrate northwards, while the M'ngong were forced to migrate southwards.³⁴ For more than 300 years from 1150 to 1570, the ethnic minorities of the Central Highlands were dominated by the Champa Kingdom, and were liberated in 1471 following King Le Than Tong's victory against the Cham.³⁵ Several centuries later, the ethnic minorities of the region came under the domination of the French colonialists. From 1946-1954, the Bahnar people engaged with the Communist party in the nine-year anti-French resistance, and unlike other ethnic minorities in the Central Highlands region, remained partners to the Communist Party and

³⁰ Ibid.

³¹ Ibid.

³² Unrepresented Nations and Peoples Organization (UNPO), *Alternative Report submitted to the UN Committee on the Economic, Social, and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group*, March 2014, <http://www.unpo.org/downloads/856.pdf>.

³³ Dao, Bui Minh, ed. *The Bahnar People in Vietnam*. Gioi, 2011. Print. 11.

³⁴ Ibid.

³⁵ Ibid.

resisted the U.S. Army.³⁶ The Bahnar people is one of the few ethnic groups that has since increased its population rate, rather than decrease. Today, these 30 ethnic minorities that live in the Central Highlands region are lumped together as the Degar, or Montagnard people.

In more recent history, the Montagnard groups have frequently struggled for autonomy, and allied with France and with the United States during the Indochina Wars in order to attain self-governance.³⁷ However, their alliances with outsiders have branded them threats to national security. Over 200,000 Montagnards were killed during and following the Vietnam War with the United States, due to the northern government's campaign to punish them for their collaboration with the United States.³⁸ The Montagnard waged a separatist campaign in the highlands until the early 1990s, when they disbanded. Still, the government has persisted in repressing any Montagnard activity.³⁹ There exists a preponderance of accounts and evidence related to the effects of government policies upon the Montagnards because of the active Montagnard advocacy groups based outside Vietnam.

The Hmong are one of the largest ethnic minority groups that now assert their desire for autonomy from the Vietnamese state. The Hmong fled forced repatriation, targeted killings and discrimination in Laos, and now live in Vietnam's Northern Highlands.⁴⁰ However, they still

³⁶ Ibid, 14.

³⁷ Unrepresented Nations and Peoples Organization (UNPO), *Alternative Report submitted to the UN Committee on the Economic, Social, and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group*.

³⁸ Sklar, Morton. "Petition to the United Nations Security Council Requesting Referral of a Case of Genocide and Crimes Against Humanity to the International Criminal Court Against the Government of Vietnam for the Violent Persecution and Treatment of its Indigenous Peoples" petition, 2016.

³⁹ "Vietnam Overview." Minority Rights Group International Report to United States Department of Justice, 2014. <https://www.justice.gov/eoir/file/479156/download>

⁴⁰ Unrepresented Nations and Peoples Organization (UNPO).

face persecution in Vietnam today via backlash attacks for their alliances during the Indochina Wars. In addition, the Hmong are among the worst served minorities by the Vietnamese state, as they rank very badly in Vietnam's socioeconomic development indicators, with low literacy, weak schooling, poor access to health, and high levels of poverty.⁴¹ State officials see Hmong involvement in ritual activities as both the cause and effect of their poverty, and these practices suffer intrusive surveillance and reform.⁴² In response to their poverty and the uprooting of their traditions, the Hmong have been very receptive to Christian proselytizing, converting in large numbers to evangelical Christianity – increasingly concerning state authorities that the Hmong threaten national interests.⁴³ The more the Hmong seek recognition through transnational connections, the more repressive the government's response has become. In 2005, Human Rights Watch reported a four-month campaign by Vietnamese officials to eradicate Protestantism among the Hmong.⁴⁴

The Khmer Krom have lived in present-day Vietnam since the beginning of the first century, ruled by the Khmer Empire from the 9th-13th centuries.⁴⁵ Southward migrating Kinh and Chinese populations displaced the Khmer, pushing them across the Mekong Delta.⁴⁶ In the 19th and 20th centuries, the Vietnamese employed several tactics to “erase” the Khmer people, including intermarriage and changing all Khmer names to Vietnamese. During the 1975 war between Vietnam and Cambodia, the government massively relocated the Khmer from their

⁴¹ Taylor, Philip. "Minorities at Large: New Approaches to Minority Ethnicity in Vietnam." *Journal of Vietnamese Studies* 3, no. 3 (2008): 3-43.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ United Kingdom: Home Office, *Country of Origin Information Report - Vietnam*, 28 April 2006, available at: <http://www.refworld.org/docid/447ab0304.html> [accessed 8 May 2016]

⁴⁵ Unrepresented Nations and Peoples Organization (UNPO).

⁴⁶ Ibid.

ancestral lands in the Mekong Delta, due to their perceived Cambodian allegiances.⁴⁷ After relocating the Khmer, the government repopulated the area with ethnic Kinh, leaving the Khmer landless and without any access to subsistence agriculture.⁴⁸ Many Khmer are migratory and temporary workers now, which only increases the social inequality they face today.⁴⁹ Like the Montagnard Christians, the Khmer Krom have created a transnational movement demanding religious freedom and land rights.⁵⁰ As there are few opportunities for expression in Vietnam, vocal Khmer leaders reside and promote their case outside the state's borders, maintaining advocacy organizations, representation in international bodies, and lobby individual governments to call for the enforcement of international standards on human and indigenous rights. These organizations have aligned their cause as unrepresented and colonized people with the plight of Palestinians, Australian Aborigines, and East Timorese, and passed these claims and identities to the Khmer population in Vietnam through the group's effective use of the Internet, cell phones, and radio broadcasts to communicate with people inside the country.⁵¹

These short histories of the Kinh and of persecuted indigenous groups indicate that the indigenous groups do have previous claim to their own land, and ought to be recognized as indigenous groups that existed before the arrival of the Kinh. Historical patterns also illuminate the indigenous peoples' long experience of ethnic conflict, forced migration, and repression by colonizers. This history of recurring conflict, one of historian Adam Jones' indicators of

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Bass, Thomas A. "The Ugly Thugs Running Vietnam Aren't Experimenting With Democracy." *Foreign Policy*, January 2016, <http://foreignpolicy.com/2016/01/22/the-ugly-thugs-running-vietnam-arent-experimenting-with-democracy/>.

⁵⁰ Taylor, Philip. "Minorities at Large: New Approaches to Minority Ethnicity in Vietnam."

⁵¹ Ibid, pg. 19.

genocide, throws light on the urgency of responding to indigenous people's reports of persecution by Vietnam's government today.

III. Current Policies:

Discriminatory Legislation

Discriminatory legislation against the indigenous peoples, along with government sponsored social discrimination, have created an environment in which genocidal policies may proceed with little resistance from the majority Kinh population or from organized indigenous groups.

The government sponsors negative societal attitudes about indigenous peoples through its media and through its policies. The state-run media uses pejorative labels to describe ethnic minorities, rife with prejudice.⁵² Indigenous peoples are often denigrated or misrepresented, and the official Vietnamese media disseminates ethnic religious practices and traditions as backward and superstitious.⁵³ For example, Vietnamese newspapers fail to write ethnic minority groups' names correctly and uniformly, showing little respect for the minority groups.⁵⁴ In a study of newspapers performed by the Institute for Studies of Society, Economy, and Environment, more than a quarter of articles on ethnic minority groups concentrated on criticizing outdated practices and "depraved customs," mythologizing pregnant ethnic women as "going to the jungles and

⁵²"Out of Sight: Ethnic Minorities in Vietnam." *The Economist*, August 4, 2015. <http://www.economist.com/news/asia/21647653-continuing-grinding-poverty-vietnams-minority-regions-liability-communist-party-out>.

⁵³ United Kingdom: Home Office, *Country Information and Guidance: Vietnam: Ethnic Minority Groups*.

⁵⁴ Institute for Studies of Society, Economy and Environment, "Portrayal of Ethnic Minorities on Printed Newspapers." Thế Giới Publishers, <http://isee.org.vn/Content/Home/Library/331/portrayal-of-ethnic-minorities-inprinted-newspapers..pdf>

taking care of it themselves,” or believing that “sickness is caused by ghosts.”⁵⁵ Government researchers investigating the ethnic groups practicing slash-and-burn techniques in Vietnam’s mountainous regions generalized their traditional land cultivation as “entail[ing] living in poverty and backward customs and practices with fully superstitious beliefs.”⁵⁶ A typical report from the journal *Vietnam Social Sciences* states of the Bru minority that “At present, the majority of them are illiterate, are ignorant of the commodity economy and do not know what to produce to earn money for the buying of staple goods.”⁵⁷ It is not unusual for academics and government officials to make similar statements about ethnic minority groups.

These stereotypes impede indigenous people’s access to social and economic life. Interviews with principals indicate that when minority teachers were hired in schools, they were perceived to be “less qualified” and worse teachers, and so were given subordinate jobs.⁵⁸ A Kinh bias is evident too in the government’s development policies, as they frequently attempt to ‘modernize’ the minorities and assimilate them to eradicate their traditions and become more like the Kinh.⁵⁹ A World Bank review of why there is a widening economic gap between the ethnic minorities and the Kinh included interviews that revealed several forms of stereotypes held by officials across several provinces: that “ethnic minorities don’t know how to make a living,”

⁵⁵ Ibid.

⁵⁶ Van Chinh, Nguyen, “From Swidden Cultivation to Fixed Farming and Settlement: Effects of Sedentarization Policies among the Kmhmu in Vietnam.” In *Minorities At Large: New Approaches to Minority Ethnicity in Vietnam*, edited by Philip Taylor. University of California Press, 2011.

⁵⁷ McElwee, Pamela. ““Blood Relatives” or Uneasy Neighbors? Kinh Migrant and Ethnic Minority Interactions in the Truing Son Mountains.” In *Minorities At Large: New Approaches to Minority Ethnicity in Vietnam*, edited by Philip Taylor. University of California Press, 2011.

⁵⁸ World Bank, *Country Social Analysis: Ethnicity and Development in Vietnam: Summary Report*. 2009, <http://documents.worldbank.org/curated/en/2009/01/10960965/country-social-analysis-ethnicity-development-vietnam-vol-1-2-summary-report>.

⁵⁹“Vietnam Overview.” Minority Rights Group International Report to United States Department of Justice, 2014.

“ethnic minorities have low intellectual levels... they don’t know how to use technology or raise livestock,” and “minorities don’t have the will to get ahead.”⁶⁰ Here, government officials use these stereotypes as excuses to justify why their developmental policies do not assist the indigenous peoples, and why these peoples are actually falling behind as a result of developmental policies. A government survey of more than 3,000 Kmhmu households came up with the following reasons for their poverty: “unreasonable household expenditure, waste of time and money on complicated and old fashioned customs, low intellectual standards, and a lack of self reliance”.⁶¹ These explanations are clearly subjective judgments about the Kmhmu people, criticizing the people as backward in order to relieve the government of blame for the minority’s poverty. The deliberate dissemination of negative stereotypes about the indigenous peoples has alienated the population and made them vulnerable to widespread abuses in the realms of civic justice, education, employment, and health.

The Vietnamese constitution includes a right to be instructed in minority languages, ‘bilingual education’ is a misleading term.⁶² However discriminatory language laws privilege Vietnamese, and exclude minority and indigenous languages. In practice, bilingual education teaches the minority language as a subject in early years of education, rather than as a medium of instruction.⁶³ In addition, school textbooks are published in Vietnamese rather than in local languages, an oversight that stems from the Kinh population’s racism towards minorities.⁶⁴ Even

⁶⁰ United Kingdom: Home Office, *Country Information and Guidance: Vietnam: Ethnic Minority Groups*.

⁶¹ Van Chinh, Nguyen, “From Swidden Cultivation to Fixed Farming and Settlement: Effects of Sedentarization Policies among the Kmhmu in Vietnam.”

⁶²“Vietnam Overview.” Minority Rights Group International Report to United States Department of Justice, 2014.

⁶³ Ibid.

⁶⁴“Out of Sight: Ethnic Minorities in Vietnam.” *The Economist*.

in heavily indigenous provinces, there is a serious lack of ethnic minority teachers; for example, though Dak Lak province is comprised 30% by minorities, only 10 percent of the province's teachers are minorities.⁶⁵ As a result, many indigenous children have much higher dropout rates than their Kinh counterparts in the same provinces, as they cannot learn in their own languages; those who do graduate are taught exclusively in Vietnamese, which impairs their knowledge of their indigenous languages.⁶⁶ These graduates who attempt to compete for government positions against native Vietnamese speakers are disadvantaged yet again, because indigenous languages are not languages of state employment.⁶⁷ In 2012, the Committee on Ethnic and Racial Discrimination's (CERD) concluding report expressed concern about the "disparity in access to and quality of education" between the Kinh and ethnic minority students, and recommended that the state allow ethnic minority languages be used as a medium of instruction in schools.⁶⁸

The CERD report also identified several troubling instances of racial discrimination within Vietnam's legal codes. Vietnam has not yet adopted a definition of racial discrimination, and so indigenous groups have no legal grounds for complaint of discrimination in the workplace.⁶⁹ In addition, CERD noted that there are no independent complaint mechanisms for responding to acts of racial discrimination.⁷⁰ There is a dire lack of an institutional or judicial framework for minorities, which for example, might bring complaints of discrimination or punish offenses against these minorities including their disenfranchisement from political, civic,

⁶⁵ World Bank, *Country Social Analysis: Ethnicity and Development in Vietnam: Summary Report*.

⁶⁶ "Vietnam Overview." Minority Rights Group International Report to United States Department of Justice, 2014.

⁶⁷ Ibid.

⁶⁸ United Nations. Committee on the Elimination of Racial Discrimination. *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Vietnam*. 2012.

⁶⁹ Ibid.

⁷⁰ Ibid.

and economic life. This is particularly concerning, as acts of bias occur frequently in the market and in the government, thereby providing legitimacy for the popular negative stereotypes against indigenous minorities described above. In addition, several provisions in the Vietnamese Criminal Code (particularly Article 87, “undermining national unity”) are ambiguously and imprecisely worded, allowing for the misuse of those provisions against ethnic minorities.⁷¹ Migrants at risk of racial discrimination, mistreatment or harm also have a difficult time internally relocating in Vietnam because of discriminatory migration policies. The government requires citizens to register when they spend a night outside of their own previously determined homes, and the police enforce these requirements more frequently in the Central and Northern Highlands districts, which are Montagnard dominated regions.⁷² There are reports of several incidents of local officials in the highlands applying policies unequally and unjustly against members of ethnic and religious minority groups.⁷³

The government also restricts ethnic minorities’ ability to practice religion. The Vietnamese 1992 Constitution, amended in 2001, states: “Citizens have the right to freedom of belief and of religion, and may practise or not practise any religion. All religions are equal before the law.”⁷⁴ Religion is an integral part of the Montagnard, Hmong, and Khmer Krom groups’ cultural identity.⁷⁵ However, since Decree 92 was updated in 2013, all religious communities must announce and register each activity (such as ceremonies, donations, expansion of venues) if they desire to gain legal status, which gives the government excessive control over religious

⁷¹ Ibid.

⁷² United Kingdom: Home Office, *Country Information and Guidance: Vietnam: Ethnic Minority Groups*.

⁷³ Ibid.

⁷⁴ United Kingdom: Home Office, *Country of Origin Information Report - Vietnam*, 9 August 2013, available at: <http://www.refworld.org/docid/5204d62c4.html> [accessed 8 May 2016]

⁷⁵ Unrepresented Nations and Peoples Organization (UNPO).

groups' activities.⁷⁶ According to the Human Rights Watch Report of 2013, the government allows registered churches to hold worship services, but religious communities are harassed when they advocate for ethnic rights, land rights, or freedom of expression, or when they receive the majority of their support from ethnic minorities.⁷⁷ In 2013, the authorities targeted the Unified Buddhist Church of Vietnam, Hoa Hao and Cao Dai, Khmer Buddhists, Catholic and Protestant house churches in the Highlands and Hmong Christians.⁷⁸ When the State Bureau of Religious Affairs recognized the Evangelical Church of Vietnam in April 2001, it specifically excluded the much more numerous ethnic minority Protestant house churches, and pressured Christians in the minority areas to renounce their faith.⁷⁹ The government is not upholding religious freedom. On the contrary, for observing their faith, ethnic minorities face discriminatory legislation, surveillance, and even imprisonment. Examples and data on the imprisonment of indigenous peoples will follow in the paper's section on incarceration.

Joanna C. Scott interviewed several Vietnamese refugees at the Philippine Refugee Processing Center between October 1985 and May 1986, and many of those she spoke to reported being discriminated against or injured by the new government for the sake of their religion or ethnicity. The Buddhist monk Reverence Tam Min provided one such interview. He had been living and working at the Tu Hiew temple when the Communists took Hue on March

⁷⁶ Society for Threatened Peoples, *Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human Rights Council; Human Rights Situation in Viet Nam [A/HRC/26/NGO/60]*, 4 June 2014, http://www.ecoi.net/file_upload/1930_1403702993_g1404200.pdf

⁷⁷“World Report 2013: Vietnam,” Human Rights Watch, 31 January 2013, <https://www.hrw.org/world-report/2013/country-chapters/vietnam>.

⁷⁸ Society for Threatened Peoples, *Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human Rights Council; Human Rights Situation in Viet Nam [A/HRC/26/NGO/60]*.

⁷⁹ Human Rights Watch. *World Report 2002: Vietnam*. 2002, <https://www.hrw.org/legacy/wr2k2/asia11.html>.

26, 1975, and the temple was forced to undergo frequent security checks, before being turned over to civilian Communists from Hanoi.⁸⁰ In his words,

“These people had no spirit of religion. They didn’t accept it at all and persecuted the Buddhist monks and the Catholic priests and the nuns. They told the Buddhist monks and nuns to return to their home villages and towns where these young men and women had to work and labor all day. They could not study. They could not practice religion. Many of the young men, Buddhist and Catholic, were put into the army and sent to Cambodia for the war. (Two of my friends were sent to serve the army in Cambodia. One of them escaped and came back to live in South Vietnam. He is there now. The other one is still serving the Communists in Cambodia.)”⁸¹

The Reverence Tam Min was forced to work in the fields and was prevented from practicing Buddhism, and was jailed after he attempted to escape Vietnam. The Reverence Tam Min reported that his friend the leader of the Vietnamese Buddhist Association, the Most Venerable Thich Tri Thu, fell sick when seven monks and nuns were arrested from the temple and not returned.⁸² The Reverence Tam Min believes that the Communist police killed him when he went to the hospital, because his body showed signs of poison.⁸³

CERD noted that in addition to violence and imprisonment, religious legislation appears to be discriminatory on both ethnic and religious grounds. Articles 8 and 5 of the Ordinance on Belief and Religion (2004) ban religious activities that “violate national security” and “negatively affect the unity of the people or the nation’s fine cultural institutions.”⁸⁴ In addition, the household registration system, *hộ khẩu*, results in discrimination against ethnic minorities belonging to religious groups that haven’t attained official status in employment, social security,

⁸⁰ Scott, Joanna C. *Indochina’s Refugees: Oral Histories from Laos, Cambodia and Vietnam*. MacFarland & Company, North Carolina: 1989.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Committee on the Elimination of Racial Discrimination. *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Vietnam*.

health services, education, and the right to freedom of movement.⁸⁵ In 2011, the president of a US-based Khmer Krom advocacy group claimed that Khmer Krom Buddhist monks were forced to learn communist ideology in state-sanctioned temples.⁸⁶ In addition to severe crackdowns on Montagnard religious expression, dispatching tanks and elite troops to arrest protest organizers and deploying soldiers, the Human Rights Watch reports officials organizing forced renunciations through “goats’ blood ceremonies.”⁸⁷ Villagers who participated in the February 2001 demonstrations were forced to stand in front of their entire village, renounce their religion, and drink rice wine mixed with goat’s blood.⁸⁸ Such demonstrations are an exercise in humiliating and dehumanizing the Montagnard people, and are effective tactics for suppressing, indeed eventually erasing, their cultural heritage.

These discriminatory policies - against cultural and religious expression, language use, economic access, migration access, legal access - have worked over decades to disenfranchise indigenous populations from the civic community, and to dehumanize indigenous populations in the Vietnamese population’s eyes. These policies take away minorities’ abilities to voice their struggles or seek assistance, and they also remove the perception that minorities have a *right* to voice their struggles or receive assistance. Thus, they allow policies of dislocation and land seizures, arrest and torture, and population control measures - policies of genocide - to occur with fewer barriers, and with disinterested witnesses.

⁸⁵ Ibid.

⁸⁶ Hore, Joanna. *State of the World’s Minorities and Indigenous Peoples 2011*. Minority Rights Group International, July 2011, <http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1077-Full-text.pdf>

⁸⁷ “Montagnard Christians in Vietnam: A Case Study in Repression.” Human Rights Watch, March 2011, <https://www.hrw.org/report/2011/03/30/montagnard-christians-vietnam/case-study-religious-repression>

⁸⁸ “Montagnard Christians in Vietnam: A Case Study in Repression.”

Dislocations from Native Lands

At the beginning of the 20th century, French Indochina was divided between uplands and mountain occupied ethnic groups, and lowland coastal ethnic Vietnamese. By the beginning of the 21st century, the upland peoples were far outnumbered by ethnic Kinh in many highland provinces.⁸⁹ Between 1976 and the late 90s, up to six million people had been resettled in the whole country.⁹⁰ In recent decades, the Vietnamese government has confiscated indigenous minorities' ancestral lands without consent or compensation, directly causing their displacement. This systematic policy of land seizures, either by the state or by state-sponsored privately owned companies, removes the indigenous communities' ability to work the land or maintain a stable shelter, deliberately inflicting conditions that cause the destruction of the group in whole or in part. Already marginalized by discriminatory legislation, the indigenous peoples do not have access to judicial systems necessary to fight for their land rights.⁹¹ For these indigenous peoples, for whom culture and ways of life are inextricably tied to their land, the loss of their land is not only an economic blow, but also a loss of their identity.⁹²

Indigenous populations are ceding land to Kinh seizures in all indigenous provinces, but their losses are particularly prevalent in the north-west and central highlands. Here, state-affiliated firms like HAGL and the Vietnam Rubber Group are demanding property for mines, plantations and hydropower dams.⁹³ The International Rivers Network, an environmental NGO that aims to protect rivers and the rights of communities that depend upon them, reported that a

⁸⁹ McElwee, Pamela. "'Blood Relatives' or Uneasy Neighbors? King Migrant and Ethnic Minority Interactions in the Truong Son Mountains." In *Minorities At Large: New Approaches to Minority Ethnicity in Vietnam*, edited by Philip Taylor. University of California Press, 2011.

⁹⁰ Ibid.

⁹¹ Hore, Joanna. *State of the World's Minorities and Indigenous Peoples 2011*.

⁹² Ibid.

⁹³ "Out of Sight: Ethnic Minorities in Vietnam." *The Economist*.

program begun in December 2005 and completed in 2015 resettled almost 100,000 people in order to build the Son La Hydropower project.⁹⁴ This dam project was the cause of Vietnam's largest resettlement in history - notably, 91,000 of the resettled persons were ethnic minorities.⁹⁵ The relocated villagers have reported difficulty growing enough food to feed their families.⁹⁶ Dam projects do not even provide local employment opportunities, as dam construction laborers are all Kinh brought in by the construction companies.⁹⁷ In every sense, these projects push ethnic minorities further behind the Kinh.

Many other ethnic minority communities in the Central Highlands have been destroyed by repeated relocations, as a result of the government's Fixed Cultivation and Sedentarisation Project and the construction of dams.⁹⁸ In 2003, construction on a dam project began in Kim Đa Village; the whole project is scheduled to be completed by 2020.⁹⁹ The dam will submerge five villages, affect 34 hamlets and force 14,217 people to relocate.¹⁰⁰ Furthermore, these affected villagers cannot choose where they might relocate, but instead the multi-ethnic communities have been forcibly separated according to ethnic identities. The Ó-Đu people are being relocated to Nga My Village in Tương Dương District, while the Thái and Khơ Mú peoples are being relocated to different, separate locations in Thanh Chương District, the southernmost district in the province.¹⁰¹ These villages' three ethnicities are thoroughly integrated; intermarried families will be forcibly separated from their parents, siblings and friends. Forcing the Ó-Đu people to a

⁹⁴ "Vietnam Overview." Minority Rights Group International Report to United States Department of Justice, 2014.

⁹⁵ Hore, Joanna. *State of the World's Minorities and Indigenous Peoples 2011*.

⁹⁶ Ibid.

⁹⁷ Masako, Ito. *Politics of Ethnic Classification in Vietnam*. 163.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

different settlement than the other two ethnic groups means a forced separation of not only communities, but also families. Ninh, the president of Kim Đa Village's women's association, told investigators "the saddest thing is that we are not allowed to relocate all together... Many people are crying. It's too sad to relocate people separately by their ethnic categories."¹⁰² O-Đu families and communities were destroyed by the very 'ethnic minority support policy' that was 'developed to 'protect' them'.¹⁰³

In another particularly egregious recent incident, the government expropriated the housing and agriculture land of Con Dau village, a small Catholic community, in order to lease it to the private resort company, Sun Land, to build an eco-hotel.¹⁰⁴ Although they were offered inadequate compensation and housing alternatives in a distant location, hundreds of residents moved out in 2013 following pressure, threats, and the compulsory demolition of homes.¹⁰⁵ The UN Special Rapporteur on Housing called the event "a clear case of land grabbing for the benefit of private entrepreneurs and at the expense of local communities,"¹⁰⁶ while the UN Special Rapporteur in the Field of Cultural Rights argued that "such acts are seriously disrupting the cultural and religious life of the community, and should immediately be ceased."¹⁰⁷ As a result

¹⁰² Ibid, 164.

¹⁰³ Ibid, 183.

¹⁰⁴ "Viet Nam Land Grabbing Case Needs to Be Urgently Addressed - UN Human Rights Experts." Office of the United Nations High Commissioner for Human Rights, 2014, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14438&LangID=E>.

¹⁰⁵ Ibid.

¹⁰⁶ Soderbergh, Carl. *State of the World's Minorities and Indigenous Peoples 2015*. Minority Rights Group International, July 2015, <http://minorityrights.org/wp-content/uploads/2015/07/MRG-state-of-the-worlds-minorities-2015-FULL-TEXT.pdf>

¹⁰⁷ "Viet Nam Land Grabbing Case Needs to Be Urgently Addressed - UN Human Rights Experts."

of these resettlements, indigenous communities are experiencing increased food insecurity and poverty.¹⁰⁸

According to the UNPO Alternative Report, the land in the Central and Northern Highlands - where the Hmong and Degar have traditionally practiced communal agriculture - is allocated to individuals by the government, eliminating the indigenous peoples' agricultural practices.¹⁰⁹ According to several reports, only 24% of the indigenous population has land rights to the forest they live in; thus, highland minorities "do not have access to forest resources, even in areas where there are few other economic opportunities."¹¹⁰ Vietnam's policies establishing "new economic zones" transform large areas of land into industrial crops like coffee and rubber, and encourage ethnic Kinh to migrate into the new economic zones, further limiting indigenous people's employment opportunities.¹¹¹ Referring to the Fixed Cultivation and Sedentarization Project, the anthropologist Charles Keyes argued that tribal people and ethnic minorities "have been subjected to remarkably similar policies – ones that aim to eliminate tribal people's distinctive identities and ways of life," and that "the Socialist Republic of Vietnam's policies toward minority peoples in general and tribal peoples in particular have been as assimilationist as those of other countries in mainland Southeast Asia."¹¹² Over the long course of the program,

¹⁰⁸ Unrepresented Nations and Peoples Organization (UNPO).

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Van Chinh, Nguyen, "From Swidden Cultivation to Fixed Farming and Settlement: Effects of Sedentarization Policies among the Kmhmu in Vietnam." In *Minorities At Large: New Approaches to Minority Ethnicity in Vietnam*, edited by Philip Taylor. University of California Press, 2011.

wet rice farming and fixed settlements have been imposed on all ethnic groups who traditionally practiced swidden cultivation, despite the fact that their cultures and ways of life vary greatly.¹¹³

The government's campaign of encouraging Kinh migration into indigenous areas directly impacts the minority's ability to subsist on their diminished land. Since the 1960s financial sponsorship programs to move lowland Kinh into the highlands, migration programs have favored Kinh investment.¹¹⁴ In November 2005, the government sent 2,000 families from northern Vietnam to live in "Economic-National Defense Zones" in indigenous provinces near the Cambodian border to "enhance socio-economic development and strengthen defense" in the region.¹¹⁵ In 2007, the authorities announced plans to construct resettlement villages in four Central Highlands provinces, for Kinh to "uphold their pioneer role in socio-economic development."¹¹⁶ According to the World Bank analysis on ethnic minority economic access, Kinh were more likely to have received government support in their migration, and were more likely to receive government land allocations after migrating (22 percent, compared to 5 percent).¹¹⁷ As a result of Kinh migration and land use restrictions, the ethnic minorities' swidden fields (dry rice irrigation) have been lost, and households cannot clear new lands.¹¹⁸ When indigenous peoples do migrate to cities for better opportunities, the national

¹¹³ Ibid.

¹¹⁴ World Bank, *Country Social Analysis: Ethnicity and Development in Vietnam: Summary Report*.

¹¹⁵ "Montagnard Christians in Vietnam: A Case Study in Repression."

¹¹⁶ Ibid.

¹¹⁷ World Bank, *Country Social Analysis: Ethnicity and Development in Vietnam: Summary Report*.

¹¹⁸ World Bank, *Country Social Analysis: Ethnicity and Development in Vietnam: Summary Report*.

sedentarization program has funded forcibly moving minorities back to their home provinces if they migrate elsewhere.¹¹⁹

Pamela McElwee's study of Kinh migrant and ethnic minority relations in the Annamite Cordillera follows major waves of Kinh immigration over the past forty years, and particularly since 2000.¹²⁰ Intermarriage in the area is low, and the groups maintain separate living arrangements, with Kinh often living with other Kinh or only on the outskirts of minority villages.¹²¹ Kinh migration had been promoted to bring "development" to "backward areas," but these areas are neither backwards nor disconnected from economic chains.¹²² Instead, current relations between ethnic minority groups and their new Kinh neighbors are very tense. Minorities complain about their reduced access to agricultural land, while both groups hold considerable ethnic prejudices and assumptions about the other.¹²³

Due to these government policies, ethnic minorities are losing their livelihoods and homes. Transience and forced dislocation make it even more difficult for indigenous peoples to access healthcare, education, or economic opportunities. Hanoi's policies make it clear: the minorities will be thrust from their homes, but they aren't allowed to seek refuge anywhere in Vietnam.

Arrest and Incarceration Rates

Several indigenous or religious bloggers, land rights and worker activists, and members of religious minorities are detained under Article 258(2) of the Vietnamese state's criminal code,

¹¹⁹ Ibid.

¹²⁰ McElwee, Pamela. "'Blood Relatives' or Uneasy Neighbors? Kinh Migrant and Ethnic Minority Interactions in the Truong Son Mountains."

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

for “abusing democratic freedoms to infringe upon the interests of the State” by advocating for ethnic minority rights.¹²⁴ There are several reports of beatings, harassment and torture of minorities held in custody, especially in the case of non-authorized religious activities or land rights protesters.¹²⁵ In its 2006 World Report, Human Rights Watch stated that, “ethnic Hmong Christians in the northwest and Hre Christians in Quang Nai province have been beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings.”¹²⁶ Similarly, Amnesty International’s 2013 report noted that twelve ethnic Hmong were tried and sentenced for “disrupting security” and intending to “overthrow the government,” though authorities prevented access to the alleged area of unrest.¹²⁷

The Human Rights Watch World Report 2016 states that although police abuse has received increasing attention from local media, the police still frequently torture suspects to elicit confessions and use excessive force in response to protests over evictions and land confiscation.¹²⁸ During the first nine months of 2015, plainclothes agents beat at least 40 bloggers and rights activists; no one involved in the assaults was held accountable.¹²⁹ In January, April, and July of 2015, police prohibited unsanctioned Buddhist Hoa Hao groups from

¹²⁴ United Nations. “Vietnam: New Report Denounces Violations of Economic, Social, and Cultural Rights.” Press Release. November 11, 2014.
<https://www.fidh.org/en/region/asia/vietnam/16447-vietnam-new-report-denounces-violations-of-economic-social-and-cultural>

¹²⁵ “Vietnam Overview.” Minority Rights Group International Report to United States Department of Justice, 2014.

¹²⁶ United Kingdom: Home Office, *Country of Origin Information Report - Vietnam*, 28 April 2006

¹²⁷ Amnesty International. *Amnesty International Report 2013: The State of the World’s Human Rights*. Peter Benenson House, London 2013.
http://files.amnesty.org/air13/AmnestyInternationalAnnualReport2013_complete_en.pdf

¹²⁸ “HRW World Report 2016: Vietnam.” Human Rights Watch, 2016,
<https://www.hrw.org/world-report/2016/country-chapters/vietnam>.

¹²⁹ Ibid.

commemorating the establishment of the Hoa Hao faith by intimidating, harassing, and assaulting participants.¹³⁰ Plainclothes agents repeatedly assaulted Mennonite Pastor Nguyen Hong Quang during 2015.¹³¹ Thugs also attacked other religious and ethnic leaders, including Mennonite pastors Huynh Thuc Khai and Le Quang Du, Hoa Hao Buddhist activist Vo Van Thanh Liem, and Buddhist monk Thich Khong Tanh.¹³²

Indigenous populations in the Central Highlands are particularly vulnerable to searches and arrests, as elite security units have hunted down and arrested Montagnard activists in hiding.¹³³ When the Montagnard protested for greater land rights in 2001, the authorities sent troops to the region, conducted door-to-door searches for suspected leaders, arresting at least twenty leaders in February.¹³⁴ Human Rights Watch reports that these leaders were beaten, kicked, or shocked with electric truncheons during the arrest and interrogation.¹³⁵ In 2006, the Special Task Force, an elite police unit, coordinated with district and provincial police to hunt down and suppress FULRO “ringleaders.”¹³⁶ Using ambiguous phrases about “national security” to incarcerate large proportions of indigenous populations, state police forces have arrested more than 350 Montagnards between 2001 and 2011. They are subjected to years long prison sentences on national security charges for practicing at unregistered house churches, or for attempting to flee to Cambodia. In March, a land rights Khmer Krom activist was sentenced for ‘abusing democratic rights.’¹³⁷ Rights activists Pham Minh Vu, Do Nam Trung, and Le Thi

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

¹³³ “Montagnard Christians in Vietnam: A Case Study in Repression.”

¹³⁴ Human Rights Watch. *World Report 2002: Vietnam*.

¹³⁵ Ibid.

¹³⁶ “Montagnard Christians in Vietnam: A Case Study in Repression.”

¹³⁷ Hore, Joanna. *State of the World’s Minorities and Indigenous Peoples 2011*.

Phuong Anh were put on trial in February for abusing democratic rights and were sentenced to 18, 14, and 12 months in prison, respectively.¹³⁸ Other prominent bloggers like Ta Phong Tam, exiled to the U.S. in 2015, face 10-year prison sentences if they return to Vietnam.¹³⁹

Deaths in police custody are still frequently reported in 2015, according to Human Rights Watch. In July, Vu Nam Ninh died in a Hanoi detention center, and was returned to his family with serious injuries all over his body: swollen face, chest, and arms, a broken nose, collarbone, and fingers, and a deep stab in his left leg.¹⁴⁰ In most detention centers, violations of center rules and failure to meet work quotas are punished by beatings and deprivation of food and water.¹⁴¹

The cycle of torture and deaths in custody only increases the state's coercive power, and effectively removes ethnic minorities from the civilian population. Therefore, these arrests not only act to coerce and repress minorities, but also serve as a method of population control.

Population Control Practices

The most direct means through which the government of Vietnam affects the indigenous peoples' population size is with direct violence. During the series of crackdowns on Montagnard religious expression, police used excessive force to disrupt protests, resulting in the deaths of eight Montagnards during demonstrations in April 2004, as well as the deaths of others in arrest and in police custody.¹⁴² In the Nghe An province, 40 Catholics were wounded by 3,000 police, soldiers, and civil guards using grenades, tear gas and batons to disperse a group that was

¹³⁸ "HRW World Report 2016: Vietnam."

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² "Montagnard Christians in Vietnam: A Case Study in Repression."

demonstrating in front of a church.¹⁴³ Human Rights Watch and Amnesty International Reports from 2000 until 2016 list innumerable instances of government troops using excessive force against indigenous minority protests, likely killing large numbers of the population either during clashes or after arrest.

In addition, many highlanders in refugee camps in Cambodia and advocacy groups in the United States have alleged that the government has engaged in forced sterilization, forced abortions, and mandatory birth control in a manner that specifically targets indigenous communities. Part of this pressure may derive from the government's national sterilization target figures and family planning programs. Since human rights organizations cannot work freely and openly in Vietnam, Human Rights Watch notes that there is no data to verify or deny the claim that these measures are being unjustly directed towards indigenous peoples.¹⁴⁴

Some interviews with indigenous women have been sources of information on the history of persecution. As one Mnong woman from Dak Mil reported to Human Rights Watch, "They tell us not to have too many children. They say the ethnic minorities should only have two. They pressure us to have an operation, or if we have too many children, they don't get medical treatment."¹⁴⁵ She delivered her third child despite pressure not to, and blames her child's developmental disability on the health workers' refusal to give her and the baby postnatal medical treatment.¹⁴⁶ An Ede woman concurred, stating that "when we refuse to have the [sterilization] operation, the medical workers say if we get sick later, they won't treat us in the

¹⁴³ "Dozens Injured in Crackdown on Vietnam Catholics." UCA News, September 2013, <http://www.ucanews.com/news/dozens-injured-in-crackdown-on-vietnam-catholics/69189>.

¹⁴⁴ "Repression of Montagnards: Conflicts over Land and Religion in Vietnam's Central Highlands." Human Rights Watch, April 2002, <https://www.hrw.org/reports/2002/vietnam/>

¹⁴⁵ Ibid.

¹⁴⁶ "Repression of Montagnards: Conflicts over Land and Religion in Vietnam's Central Highlands."

hospital.”¹⁴⁷ Although the notion that the government might be forcibly sterilizing its citizens is difficult to believe - as genocidal policies almost always are - these women’s voices deserve to be heard, and should be taken seriously and investigated.

IV. Tangible Effects of these Policies

Census Data & Population Statistics

It is difficult to determine the exact impact of these discriminatory policies on the population growth rates of indigenous peoples, for national censuses have only been conducted three times since 1979.¹⁴⁸ The first nationwide population census was collected on October 1, 1979; the second census was carried out on April 1, 1980, and the third on April 1, 1999. The most recent census in Vietnam was taken in 2009, with the next expected a decade later in 2019.

Before analyzing census data itself, it is important to note that Vietnamese census data is somewhat impaired by the government’s imperfect classifications of ethnic groups. The census of 1999 has highlighted flaws in the ethnic group classification system. Though the total population had been announced within a few weeks, the ethnic group population figures were not released for a long time, for several groups had voiced dissatisfaction with the ethnic group population statistics and requested recognition as separate ethnic groups.¹⁴⁹ A majority of the claimants who asked for recognition as distinct ethnic groups were those which had been difficult to judge during the original ethnic group determination operation of the 1970s.¹⁵⁰

The government’s strict adherence to its official ethnic group classification system has produced some distortions in the population data provided by its censuses. For example, the

¹⁴⁷ Ibid.

¹⁴⁸ Masako, Ito. *Politics of Ethnic Classification in Vietnam*. 1.

¹⁴⁹ Ibid, 65.

¹⁵⁰ Masako, Ito. *Politics of Ethnic Classification in Vietnam*. 65.

classification of the Ơ-Đu people changed over time, and its changing classification caused an extinction scare in the 1989 census.¹⁵¹ In the 1956-58 population survey, the Ơ-Đu are called the Tày Hật, but were recognized as a distinct ethnic group named the Ơ-Đu in the 1979 List of Ethnic Group Composition.¹⁵² The population figure for the group varied significantly in the three national censuses conducted since unification. The 1979 census found 137 Ơ-Đu people, but the number is questionable because their places of residence included districts very far from the area inhabited by the Ơ-Đu people, and because only 13 of the 137 people, or 9.5 percent, were female.¹⁵³ The 1979 population figure is therefore not trustworthy. A decade later, the 1989 census initially found only 32 Ơ-Đu people; though Khổng Diên thought the figure was accurate, the number was not released to the public as the government feared the large decrease could be interpreted as a sign that the Ơ-Đu population was dying out.¹⁵⁴ The government sent investigators to determine the cause of the rapid decline, and discovered that many of the Ơ-Đu lived mixed with Khơ Mú and Thái peoples, and identified themselves as such rather than as Ơ-Đu. The government then sent ethnologists to the region to publicize the existence of preferential policy measures for extremely small ethnic minority groups to the Ơ-Đu, and the project led to a dramatic increase in the number of people who self-identified as Ơ-Đu.¹⁵⁵ The larger population number was then released to the public. In fact, as the Thái and Khơ Mú peoples understood that they would receive more preferential measures if they claimed to identify as Ơ-Đu, several Thái and Khơ Mú people switched their ethnicity to Ơ-Đu between 1989 and 2005.¹⁵⁶ This incident

¹⁵¹ Ibid.157.

¹⁵² Ibid.157.

¹⁵³ Ibid.157.

¹⁵⁴ Ibid.158.

¹⁵⁵ Ibid.160.

¹⁵⁶ Ibid.161.

illustrates that the imposed ethnic classification system may indicate increases and decreases in census figures that do not actually represent the increases or decreases in the ethnic group population itself. Still more interestingly, the event also illustrates the government’s interest in maintaining the appearance that ethnic groups are not decreasing dramatically, as it actively incentivized members of other groups to register as the nearly extinct Ơ-Du group.

However, as the most recent of national censuses, the 2009 Viet Nam Population and Housing Census provides a variety of information to analyze the current size and characteristics of ethnic minority populations. In the 2009 census, the largest ethnic groups include the Kinh, Tay, Thai, Muong, Khmer, Hoa, Nung, Mong, Dao, and Gia Rai.¹⁵⁷ These groups’ populations in 1999 and 2009 are indicated in Table 1. Of these ten most populous groups recorded by the census, the Hoa ethnic group is the only to have experienced a population decrease between 1999 and 2009.

Table 1: Annual Average Population Growth Rate by Ethnic Group with the Largest Population¹⁵⁸

Ethnic Group	1989 Total Population¹⁵⁹	1999 Total Population¹⁶⁰	2009 Total Population¹⁶¹	Average Annual Growth Rate 1989-1999	Average Annual Growth Rate 1999-2009
Entire Country	64,375,762	76,323,173	85,846,997	1.70	1.18
Kinh	55,900,224	65,795,718	73,594,427	1.63	1.12
Tay	1,190,342	1,477,514	1,626,392	2.16	0.96
Thai	1,040,549	1,328,725	1,550,423	2.44	1.54

¹⁵⁷ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. Ha Noi: n.p., 2011. Print. 11.

¹⁵⁸ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. Ha Noi: n.p., 2011. Print. 23.

¹⁵⁹ Ibid. 23.

¹⁶⁰ Masako, Ito. *Politics of Ethnic Classification in Vietnam*. 66.

¹⁶¹ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. 10.

Muong	914,596	1,137,515	1,268,963	2.18	1.09
Khmer	895,399	1,055,174	1,260,640	1.64	1.78
Hoa	558,053	862,371	823,071	3.45	3.05
Nung	900,185	856,412	968,800	-0.43	-0.47
Hmong	705,709	787,604	1,068,189	1.94	1.23
Dao	473,945	620,538	751,067	2.69	1.91
Gia Tai	242,291	317,511	411,275	2.71	2.59

The Hoa ethnic group experienced a negative growth rate, with a population decline during the last two censuses. In contrast, the Khmer ethnic group was the only group to have witnessed an increased growth rate over time: 1.64 percent between 1989-1999, compared with 1.78 percent between 1999-2009.¹⁶² All other ethnic groups witnessed a significant reduction in average annual population growth. The Kinh group's decline in population growth should be attributed mostly to the Vietnamese government's two-child policy, which in effect applies only to the Kinh.¹⁶³ The ethnic minority groups' growth rate decline is better understood with analysis of the groups' fertility and mortality rates, but may be encouraged in part by poverty, lack of health access, and the government's discriminatory policies.

The ethnic groups within this list appear to face differing issues with regard to fertility and mortality rates. The Hmong, Dao, and Gia Tai groups have age pyramids with large bases and rapidly narrowing tops.¹⁶⁴ Thus, both fertility and mortality rates among these groups are high. The Nung, Khmer and Hoa age pyramids have a narrowing base, large body, and narrowing top.¹⁶⁵ These pyramids indicate that the total fertility rate has declined continuously over the last 15 years, but the total mortality rate appears relatively low. The pyramid for the Hoa

¹⁶² Ibid, 23.

¹⁶³ Masako, Ito. *Politics of Ethnic Classification in Vietnam*, 176.

¹⁶⁴ Ibid, 10.

¹⁶⁵ Ibid, 10.

group, however, is unique: the population in the age groups 20-24 and 25-29 is smaller than that of the 30-34 age group, which is possibly caused by forced migration.¹⁶⁶

Table 2: Population Proportion by age groups and male:female sex ratio in 2009¹⁶⁷

Ethnic Group	Population: 0-14	Population: 15-59	Population: 60+	Male:Female Sex Ratio
Kinh	23.4	67.6	9.0	94.7
Tay	24.2	67.9	7.9	98.7
Thai	29.0	64.6	6.4	99.3
Muong	24.9	67.9	7.2	98.9
Khmer	25.6	67.4	7.0	96.1
Hoa	22.3	67.6	10	105.2
Nung	27.8	64.8	7.4	100.5
Hmong	45.8	50.0	4.2	101.3
Dao	33.5	60.8	5.6	100.9
Gia Rai	39.9	54.1	6.0	96.4

As Table 2 demonstrates, none of the ethnic groups are yet experiencing an “aged” population. The Hmong and Gia Rai ethnic groups have a young population, with the 0-14 population counting for 30 percent of the total population. Indeed, the only groups to have a higher than national average ratio of population in the 60+ age group are the Kinh and the Hoa. The Kinh are expected to have an older population, as greater health care access allows for longer life terms; the Hoa group’s ratio may be due to its much smaller 0-14 and 20-29 population.

Data in Table 2 also indicates that four of the 10 ethnic groups in the study have male: female sex ratios higher than 100: the Hoa (105.2), Hmong (101.3), Dao (100.9) and Nung (100.5).¹⁶⁸ The high sex ratio experienced by these groups may likely be attributed to poor living conditions and poor access to good quality maternal health services, resulting in high mortality

¹⁶⁶ Ibid, 11.

¹⁶⁷ Ibid, 11.

¹⁶⁸ Ibid, 12.

rates among ethnic minority women. The male:female sex ratio of children in the 1-4 age range in these groups are at the standard biological ratio, and indicate that sex selection does not occur in these ethnic groups.¹⁶⁹ Instead, female lives are cut shorter due to poor access to health care.

The 2009 Population and Housing Census also demonstrated that the average household size has decreased substantially from 4.82 people per household in 1989 to 3.78 in 2009.¹⁷⁰ The household size tends to decrease when improvements in overall economic development occur, and so ethnic groups with a higher level of socio-economic development have a lower fertility rate. Similarly, the census results show that the Kinh and Tay ethnic groups have small household sizes (4.3 and 4.5, respectively), while the Thai and Mong ethnic groups have high fertility rates, extended families and large household sizes (5.1 and 5.3, respectively).¹⁷¹

As the total fertility rate of the Hmong ethnic group is so high, the government has been recommended to make greater efforts to provide reproductive health services to these populations in the mountainous and isolated areas.¹⁷² The Hmong also suffer an infant mortality rate (deaths occurring during the first 12 months of life) about three times higher than that of the national level, at 46 deaths/1,000 live births. In comparison, the infant mortality rate of the ethnic majority Kinh population is the lowest in the nation, with 13 deaths/1,000 live births.

The 2009 census demonstrates a litany of further inequalities suffered by the Hmong: the life expectancy of group is 64.3 years, 8.5 years lower than the national average; the literacy rate of the population is 46 percent; the percentage of population over 15 years old who have never attended school is 61.4 percent; the percentage of the population living in permanent houses is

¹⁶⁹ Ibid, 13.

¹⁷⁰ Ibid, 13.

¹⁷¹ Masako, Ito. *Politics of Ethnic Classification in Vietnam*, 13.

¹⁷² Ibid, 20.

only 5.7 percent.¹⁷³ The national figures for these categories are 94 percent, 5 percent and 46.7 percent respectively.¹⁷⁴ Most of the other ethnic minority groups in the 2009 census suffer similar situations.

The 2009 census data demonstrates that unequal poverty and illiteracy have inhibited the development of ethnic minorities. Ultimately, the differentials of key indicators among ethnic groups underscores the fact that ethnic minorities are vulnerable and significantly disadvantaged compared to the Kinh. The ethnic minority groups face higher fertility rates, higher infant mortality rates, inadequate housing and poor living conditions.¹⁷⁵

Social and Health Effects

Beyond the immediate impacts of pain and loss, the government's persecutory policies - discriminatory legislation, land grabs and dislocation, religious and cultural erasure, arrests and torture, and population control measures - are certainly repressing and reducing Vietnam's indigenous populations. There are also glaring disparities in income, employment, health coverage, education, and access to government services.¹⁷⁶

Ethnic minorities are disproportionately impoverished. In 2008, though Kinh households only experienced a poverty rate of 9 percent, ethnic minorities averaged a 50.3 percent poverty rate.¹⁷⁷ More than half of the Kinh population (52.5%) lives in households with socio-economic

¹⁷³ Ibid, 21.

¹⁷⁴ Ibid, 21.

¹⁷⁵ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. 51.

¹⁷⁶ Human Rights Council, *Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepulveda Carmona*. UN General Assembly, 2011, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2494401.

¹⁷⁷ Ibid.

conditions classified as “rich” or “richest.”¹⁷⁸ In contrast, up to 95.6% of Hmong people are living in households classified as “poorest,” while 0.4% of the Hmong people live in the “rich” and “richest” quintile.¹⁷⁹ UNICEF considers 22 percent of Kinh children to live in poverty, while 62% of ethnic minority children live in poverty.¹⁸⁰ This cannot be explained by geographical isolation, as 52% of ethnic minorities in the Central Highlands live in hunger, while only 10% of the Kinh in those regions are also stricken with poverty.¹⁸¹ Therefore, the shocks of land acquisition and violence, along with the everyday burden of legal and societal discrimination, must be acting to depress indigenous minorities’ economic opportunities.

Indigenous peoples’ disproportionate poverty is reflected in their disproportionately poor living conditions. The 2009 Population and Housing Census indicates that 88 percent of the Kinh majority live in either permanent houses or semi-permanent houses, while only 37% of the Khmer and 46% of the Hmong people live in permanent or semi-permanent houses.¹⁸² There is a large difference in the use of water resources among ethnic groups, as well. The Kinh have the highest rate of clean water use (92%), followed by the Khmer (89%), while the rest of the ethnic groups have low rates of clean water use (28% of the Thai and 13% of the Hmong can access clean water).¹⁸³ The Kinh people also have the highest percentage (59%) of people using hygienic toilet facilities, and the lowest proportion of people who don’t have toilet facilities

¹⁷⁸ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. 45.

¹⁷⁹ *Ibid*, 45.

¹⁸⁰ Human Rights Council, *Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepulveda Carmona*

¹⁸¹ *Ibid*.

¹⁸² United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. 22.

¹⁸³ *Ibid*, 43.

(5%).¹⁸⁴ Among the rest of the ethnic minorities, very few people can access hygienic toilet facilities. Only 3% of the Hmong people use hygienic facilities, while up to 70% of the Hmong live in households without toilet facilities.¹⁸⁵ The 2009 census clearly demonstrates that ethnic minorities are experiencing insecure and unhygienic living conditions.

Meanwhile, ethnic minorities have lower access to health care and education than do the Kinh. One study notes that minorities have worse health and report more illness than Kinh.¹⁸⁶ In addition, there is a large disparity in health care coverage between regions, urban and rural areas, and between ethnic groups, raising concerns of discrimination in these fields as well.¹⁸⁷ Ethnic minorities and indigenous people also suffer from high drop-out rates and illiteracy problems. The 2009 census indicates that the literacy rate is highest among the Kinh (95.9%) and lowest among the Mong people (37.7%).¹⁸⁸ Any comparison indicates that the Kinh, Tay and Muong ethnic groups have much higher literacy rates than the rest of the ethnic minority groups. The rate is especially low for ethnic women, as female literacy rates are 26% for the Hmong, 20% for the Thai, and 11% for the Khmer, suggesting that ethnic minority women face many barriers to accessing the education system.¹⁸⁹ The census also demonstrates that the higher the educational levels, the more differences in net enrollment rate can be seen between the Kinh and other ethnic groups. At the high school level and higher, the graduation prevalence of the Kinh is 2.5 times

¹⁸⁴ Ibid, 43.

¹⁸⁵ Ibid, 43.

¹⁸⁶ Human Rights Council, *Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepulveda Carmona.*

¹⁸⁷ Ibid.

¹⁸⁸ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census.* 25.

¹⁸⁹ Ibid, 26.

higher than that of the “others” group (22.7 percent compared with 9 percent).¹⁹⁰ The census indicates that the Kinh have a higher proportion of people working in state sectors (10.5 percent), private sectors (7.3 percent), and economic sectors involving foreign investment (3.8 percent) than the rest of the next 5 largest ethnic groups combined.¹⁹¹ The indigenous peoples’ lack of access to quality education and their low performance hold them back from competing for government jobs, or securing new economic opportunities when their traditional resources are removed.

It is clear that the Vietnamese government practices systemic discrimination against its indigenous peoples, very possibly with “the intent to destroy in whole or in part.” Carried out over decades, these acts are resulting in a more gradual but alarming “erasure” of indigenous peoples as they struggle to keep their culture alive, and individual members of their community who are targeted in arrests and nativist population policies that prevent births. As such, whether or not countries prefer to debate whether Vietnam’s actions constitute genocide, international bodies must listen to the voices of the victimized groups and investigate this probable case of genocide.

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¹⁹⁰ Ibid, 28.

¹⁹¹ United Nations Population Fund. *Ethnic Groups in Vietnam: An Analysis of Key Indicators from the 2009 Viet Nam Population and Housing Census*. 36.

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