



## Ethnic Minority Protection in Viet Nam: An R2P Challenge

Map of Viet Nam



### *Ethnic Minorities in the Modern Vietnamese State*

The place of ethnic minorities within the modern Vietnamese polity is a matter of ongoing contention. Making up approximately fourteen percent of the population, the fifty-three 'national minorities' of Viet Nam are alternately seen as a national resource, a threat to the security and stability of the nation, and as backwards peoples in need of development in order to assimilate them into the modern Vietnamese state. The minority groups who reside in the central and northern highlands are a valuable tourism commodity marketed as ancient peoples who live somewhat nomadic, traditional lives in remote villages.

The inhabitation of these peoples in the highland border areas artificially fragmented by state boundaries, however, is also a source of anxiety for the Vietnamese government. While they populate nearly three-quarters of the country's territory, these minorities are located at the margins of the State, isolated both culturally and politically from the ethnic Kinh-Hoa majority and the lowland centres of power. As such, ethnic minorities are frequently the target of government social and economic programs aimed not only at alleviating persistently high levels of poverty but also at incorporating these communities within the nation-state.

### *Government Investment and Development*

The large-scale investments by the government to improve the economic status of minorities, such as the Programme 135 measures introduced in 1998 at a cost of US\$1.74 billion to promote market-oriented agricultural development in some of the most remote mountainous areas, have made inroads into poverty reduction and improving basic access and infrastructure challenges for many minority communities. Other programs aimed at improving educational and health outcomes for ethnic minorities have procured the provision of schools and local health care facilities in many remote

communes across the country.

In addition to continuing attempts to advance the socio-economic needs of minority groups through these development programs, the Vietnamese government has made several positive advancements in protecting the rights of minorities. These efforts include protecting the rights of ethnic communities to use their own language and writing, to preserve their cultural identity and to uphold their customs and traditions. Since 1993, Viet Nam has also established various government bodies which focus on minority affairs, such as the ministerial-level Committee for Ethnic Minority Affairs, and similar-type offices are replicated down to lower bureaucratic levels.

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Political representation for ethnic minorities has also improved in recent times. In May 2010, Viet Nam held its first national ethnic minority congress, with the aim of increasing the participation of minorities in decision-making regarding issues that affect them. For example, it is hoped that minorities will have more of a say with respect to economic development projects and the many re-settlement and sedentarisation schemes aimed at transitioning ethnic minority groups in the highlands away from traditional nomadic lifestyles based on swidden (slash-and-burn) agricultural practices to sedentary communities with a reliance on fixed farming and agriculture.

### ***Continuing Challenges***

In her report on Viet Nam to the Human Rights Council presented earlier in 2011, the UN Independent Expert on Minority Issues, Gay McDougall, acknowledged that the government had dedicated considerable resources to improving the lives of ethnic minorities and commended their efforts to develop the infrastructure and service provision in the most remote, disadvantaged and mountainous regions. She also acknowledged the improved legal provisions for the protection of ethnic minority rights.

Ms McDougall also noted that despite these considerable efforts by the Vietnamese government, ethnic minorities remain disadvantaged in many ways. There remains great disparity between the educational and health outcomes for ethnic minorities and the Kinh-Hoa majority. The State protects the right of ethnic minorities to maintain their own languages, yet there are only limited opportunities for education in languages other than Vietnamese. More limited educational opportunities also have a direct effect on occupational outcomes for ethnic minorities. In a rapidly developing economy driving the diversification and restructuring of working sectors away from agricultural and towards wage work and private sector employment, minorities are significantly under-represented in new employment sectors. As a result, the earnings differential, both real and potential, of ethnic minorities lags well behind that of the ethnic majority.

### **Viet Nam's Engagement with R2P**

**2005:** Joins with all UN Member States in unanimous support for R2P.

**2008-2009:** As a non-permanent member of the UN Security Council, Viet Nam resisted interventionist approaches, such as in Burma following Cyclone Nargis in May 2008, but showed high levels of in principle support for resolutions on peace-building, the protection of civilians, and women and children during conflicts.

**2009 GA Debate on R2P:** Support for the R2P principle, particularly Pillars I & II. Raised concerns about Pillar III, advocating a case-by-case, non-politicised approach.

**2010-2011:** Overall, continued general support for R2P, particularly international assistance under Pillar II, remaining caution about Pillar III.

### **Viet Nam & International Law**

Viet Nam has signed the follow instruments:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child

Viet Nam should consider signing:

- Rome Statute of the International Criminal Court
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention for the Protection of All Persons from Enforced Disappearance

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There were other areas of disadvantage and discrimination identified in the UN Independent Expert's report, however, which present a challenge for the Vietnamese government in upholding its responsibility to protect its ethnic minority groups. These areas of concern, as outlined in the 2011 report, related foremost to the denial of religious freedoms. It was also identified that some cases of protests against these restrictions resulted in the violations of other human rights, such as the freedoms of movement, expression and assembly. Furthermore, as the Independent Expert identified, this has led to more serious violations, such as arbitrary detention and mistreatment of detainees.

In particular, concerns have been raised regarding the treatment of certain ethnic minority groups, such as the predominantly Christian Degar (or Degar Montagnard) of the central highlands and the Buddhist Khmer Krom of the Mekong Delta and lower Mekong regions. For both groups, Vietnamese authorities have reacted to their protests over land rights and religious freedoms with serious restrictions and violations of human rights.

Reports about human rights violations against members of these ethnic minorities – such as wrongful imprisonment, ill-treatment and torture – are not sporadic accounts of isolated incidents of abuse. Rather, these violations should be seen as characteristic of many of the interactions between these minorities and the Vietnamese State.

**Upholding the Responsibility to Protect**

Viet Nam has voiced its commitment to the Responsibility to Protect and has demonstrated this commitment at both the international level and in terms of its progress on upholding and protecting the rights of its peoples at the domestic level. The government's treatment, however, of particular ethnic minority groups which challenge the State's policies and attempts to assimilate them, render these minorities at heightened risk to mass violations of human rights in Viet Nam today. This situation, were conflict between these minorities and the government to escalate further, would place these minorities at risk for the potential commission of mass atrocities.

The reason for these violations is often traced back to tensions between the State's sometimes heavy-handed methods of governance and assimilation of ethnic minorities on the one hand, and the challenges which arise to this governance from minorities on the other. These tensions cannot be reduced to cultural differences between the people in the hills and the State on the plains. They arise partly from legitimate concerns held by some minorities regarding the State's

**Resources on Violence and Ethnic Minorities in Viet Nam**

**UN Independent Expert's 2011 report to the UN Human Rights Council**, [Report of the Independent Expert on Minority Issues, Gay McDougall](#), 24 January 2011.

**Human Rights Watch** has released a number of reports on violence against ethnic minorities in Viet Nam. For example, [No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnamese Central Highlands](#), HRW, 13 June 2006, discusses social unrest and violence against Montagnards peoples in the central highlands region. The reports focuses on the effects on unrest between 2001 and 2004, when thousands from this ethnic minority group participated in mass demonstrations protesting against confiscation of their lands and religious repression. It also details the arrest of hundreds of protestors and the use of torture on detainees. On persecution against Khmer Khrom people, see [On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta](#), January 2009. Another report on the repression of Montagnard peoples in Viet Nam was released by Human Rights Watch in March 2011, [Montagnard Christians in Vietnam](#).

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development and cultural assimilation policies and continued social and economic inequities in the highland regions. The Vietnamese government interprets these minorities' protests as attempts to foment unrest and so reacts with sometimes violent means in the name of ensuring the stability of the state and preventing suspected secessionist claims made by subversive, ethnonationalist groups.

Concerns have been raised regarding the government's capacity for solving conflict without resorting to violent means in cases of demonstration, dissatisfaction or dissent. The VCP's handling of challenges to its policies regarding ethnic minorities are not conducive to preventing human rights violations from escalating into more wide-spread violence. In order for the government to uphold its responsibility to protect ethnic minorities in Viet Nam, preventative and mitigating measures must be taken to address the present early warning signs.

### **Protecting Ethnic Minorities: A Way Forward**

The tension between maintaining and protecting ethnic minority rights and managing cultural diversity within Viet Nam must be addressed in a way which fully upholds the State's obligations under international human rights' treaties and responsibility to protect its population. There are a number of that steps that can be taken to strengthen Viet Nam's capacity to prevent and resilience against mass atrocities:

- Uphold the principles outlined in the ASEAN Charter and within the Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR), particularly with regard to the obligations to promote and protect human rights.
- Build upon and strengthen current mechanisms for the political participation of ethnic minority groups in decision-making processes, particularly with regards to development and socio-cultural government programs aimed at these minorities.

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For a longer version of this brief, see Joanne Cotton and Annie Pohlman, [The Responsibility to Protect in Viet Nam: Challenges, Opportunities and Cases for Implementation](#), Working Paper on Viet Nam, The Responsibility to Protect in Southeast Asia Program, The Asia Pacific Centre for the Responsibility to Protect, 28 May 2011.

### **Further Readings:**

Bob Baulch, Hoa Thi Minh Nguyen, Phuong Thu Thi Phuong and Hung Thai Pham, *Ethnic Minority Poverty in Vietnam*, Working Paper No. 169 (Manchester, UK: Chronic Poverty Research Centre, February 2010).

James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven and London: Yale University Press, 2009).

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

World Bank, *Country Social Analysis: Ethnicity and Development in Vietnam*, Vol 1 (Washington D.C.: Social Development Unit, East Asia and Pacific Region, World Bank, 2009).

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