

Minorities in Cambodia

AN MRG INTERNATIONAL REPORT • 95/2 • MINORITIES IN CAMBODIA



**INTERNATIONAL CENTRE FOR
ETHNIC STUDIES**

MINORITY RIGHTS GROUP



MINORITIES IN CAMBODIA

© Minority Rights Group 1995

British Library Cataloguing in Publication Data

A CIP catalogue record for this book is available from the British Library

ISBN 1 897693 60 5

ISSN 0305 6252

Published June 1995

Typeset by Brixton Graphics

Printed in the UK on bleach-free paper by Manchester Free Press

Acknowledgements

Minority Rights Group gratefully acknowledges all organizations and individuals who gave financial and other assistance for this report, including CIDSE.

This report has been commissioned and is published by Minority Rights Group as a contribution to public understanding of the issue which forms its subject. The text and views of the individual authors do not necessarily represent, in every detail and in all its aspects, the collective view of Minority Rights Group.

THE AUTHORS

INTERNATIONAL CENTRE FOR ETHNIC STUDIES (ICES) is a Sri Lankan non-governmental organization which carries out research and runs workshops on ethnic and related minority issues. ICES undertook the research for this report during the UNTAC period 1992-3 under the overall supervision of Director, Radhika Coomaraswamy.

The chapters on the Cham and the Vietnamese were drafted by Baldas Goshal. The chapters on the Chinese and the indigenous hill tribes were drafted by Jae H. Ku.

DAVID HAWK is a New York-based human rights specialist, and Convenor of the Cambodia Documentation Commission. David Hawk revised and updated the draft report.

MINORITY RIGHTS GROUP

Minority Rights Group works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities.

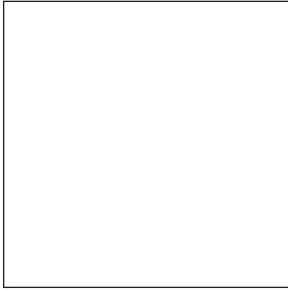
Founded in the 1960's, Minority Rights Group is a small international non-governmental organisation that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities around the world. This work is based on the publication of well-researched reports, books and papers; direct advocacy on behalf of minority rights in international fora; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and **the challenging of prejudice and promotion of public understanding** through information and education projects.

Minority Rights Group believes that the best hope for a peaceful world lies in **identifying and monitoring conflict** between communities, **advocating preventive measures** to avoid the escalation of conflict and **encouraging positive action** to build trust between majority and minority communities.

Minority Rights Group has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under the United Kingdom Law with an International Governing Council.

THE PROCESS

As part of its methodology, MRG conducts regional research, identifies issues and commissions reports based on its findings. Each author is carefully chosen and all scripts are read by no less than eight independent experts who are knowledgeable about the subject matter. These experts are drawn from the minorities about whom the reports are written, and from journalists, academics, researchers and other human rights agencies. Authors are asked to incorporate comments made by these parties. In this way, MRG aims to publish accurate, authoritative, well-balanced reports.



Vietnamese on the Tonle Sap river, north of Phnom Penh.
MARC SCHLOSSMAN

Minorities in Cambodia

CONTENTS

- 5 Preface
- 6 Chronology/Glossary
- 8 Introduction
- 10 The Cham
- 12 Indigenous 'hill tribes'
- 14 The Chinese
- 17 The Vietnamese
- 26 Ethnic policies under the new Cambodian government
- 28 Conclusion
- 30 Recommendations
- 31 Annexe
- 33 Notes
- 34 Bibliography



Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Adopted by the UN General Assembly; Resolution 47/135 of 18 December 1992)

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group, with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights including those as set forth in this Declaration individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights as set forth in this Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia exchanging of information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights as set forth in the present Declaration.

Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights as set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States in order to ensure the effective enjoyment of the rights as set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles as set forth in the present Declaration, within their respective fields of competence.

International Covenant on Civil and Political Rights (1966)

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Convention on the Elimination of all Forms of Racial Discrimination (1965)

Article 2

1. States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races ...
2. States parties shall, when the circumstances so warrant, take, in the social, economic cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

Convention on the Rights of the Child (1989)

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with the other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

UN Draft Declaration on the Rights of Indigenous Peoples as of August 1994 (extracts)

Article 7

Indigenous peoples have the collective and individual rights not to be subjected to ethnocide and cultural genocide ...

Article 23

Indigenous peoples have the rights to determine and develop priorities and strategies for exercising their rights to development. In particular, indigenous peoples have the rights to determine and develop all health, housing and other economic and social programmes affecting them.

Convention on the Reduction of Statelessness (1961)

The Contracting States, ...

Article 1

1. A Contracting State shall grant its nationality to a person born on its territory who would otherwise be stateless.

Article 9

A State shall not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.

Preface

Nineteen ninety five marks the second anniversary of the United Nations (UN)-sponsored elections held in Cambodia. The elections represent the biggest ever peace-keeping operation mounted by the UN in any country and more importantly, mark the reemergence of Cambodia as a modern state after decades of conflict and turmoil. However, several unresolved problems remain, among them the need to establish peace on a permanent basis, the economic reconstruction of the country and, the theme of this report the treatment of minorities in the new Cambodia. The report examines what maybe appropriate safeguards to ensure the protection of rights of minorities in the country and to reinforce intercommunity cooperation.

The issue of minority rights has, perhaps understandably, taken a backseat in the overall context of Cambodia's myriad problems. But the need to focus on this issue cannot be emphasized enough especially when seen against the background of the wanton destruction of the state and of the brutal genocide perpetrated by the Khmer Rouge on its civilian population. This long term human rights agenda is a crucial development issue now that international actors in the field of violent conflict resolution have moved on elsewhere.

Long term efforts for peace and reconciliation are high on the list of priorities being pursued by almost all sectors of Cambodian society: government, people and non governmental organizations (NGOs). The rights of the minority peoples need to become firmly anchored to the fabric of the state to ensure continuing peace and reconciliation.

The UN-sponsored elections took place in the last week of May 1993, and resulted in the coming to power of the present coalition government in Cambodia. However the development of civil society is a lengthy process going well beyond the task of election supervision, and has to take into account the recent brutal history of Cambodia. One key element of this history has been the destruction of a wide range of institutions and infrastructure necessary for the running of any modern day society, including the judiciary, academic institutions, media, bureaucracy etc.

The tasks of the present government encompass the challenges stemming from the urgency of rebuilding institutions while at the same time providing an element of stability to a country still not at peace with itself. The threats to stability come from various directions and have become more exaggerated since the departure of the UN towards the end of 1993. These include differences within the government among the various coalition partners, the ever present threat from the Khmer Rouge, who continue to wage guerilla warfare in the countryside, and the severe economic problems now confronting Cambodia.

One of the world's poorest countries, Cambodia has to find the resources to feed a people grown increasingly weary of decades of conflict, turmoil and hardship. The

economic prospects however do not look bright with severe shortages and a poor industrial and commercial base: Cambodia is no Asian tiger and may cease to be of international concern.

As if these problems were not enough, Cambodia has to find new ways of responding to its minority communities. Of these the case of the ethnic Vietnamese is perhaps the best known, if only because of the human rights violations which have already been perpetrated on this community and the historical role played by Vietnam. The Vietnamese Cambodians are deeply unpopular and attempts to promote their rights have floundered against the intransigence of the government and wider opinion.

The situation of other minority groups in Cambodia is not as well known, and therefore this report provides an introduction to the issues on a wider level, examining the case of the ethnic Vietnamese, along with the Cham Muslims, the indigenous peoples of the highlands and the Chinese community of Cambodia. It is evident that if Cambodia wishes to build a truly modern, multicultural and secular society it will have to find ways of accommodating the aspirations of the minority peoples of the country.

This report represents a continuation of MRG's policy of working closely with partners in different countries and regions of the world. It is co-published with the International Centre for Ethnic Studies (ICES) in Colombo, Sri Lanka. ICES was among the first to participate in NGO initiatives in Cambodia following the arrival of the UN in 1993.

Using the initial research done by ICES, MRG then commissioned David Hawk, New York-based human rights specialist and convenor of the Cambodia Documentation Commission to contribute to and update the report.

A very important aspect of this present report are the recommendations from a coalition of Cambodian human rights NGOs, which form an annexe to this report. Cambodian NGOs in general have been doing a crucial job in setting a positive agenda for the reconstruction of the country. The human rights NGOs in particular have taken the lead on the difficult and emotive issue of peace and reconciliation. It is not always easy to speak out on unpopular issues in times of transition and crises, but by doing so Cambodian human rights NGOs have paved the way for advances in the protection of the human rights of Cambodia's minority peoples. This report aims to build on these initiatives.

Alan Phillips
Director
May 1995

- 802-1432** The Angkor period: height of Cambodia's historic empire.
- Seventeenth and eighteenth centuries** Thailand and Vietnam absorb former Cambodian territory.
- 1864-1940** Cambodia becomes a French Protectorate and part of French Indochina, preventing further absorption by Thailand and Vietnam.
- 1954** Cambodia achieves full independence from France.
- 1954-70** Dominated by Prince Norodom Sihanouk, the Kingdom of Cambodia tried to avoid becoming engulfed by the US-Vietnam war.
- March 1967** The clandestine Communist Party of Kampuchea, popularly known as the Khmer Rouge, begin revolutionary armed struggle against the Sihanouk regime.
- March 1969** US begins secret and illegal bombing campaign against North Vietnamese and Vietcong sanctuaries and supply networks inside Cambodia.
- 18 March 1970** Lon Nol, Sihanouk's Prime Minister and military commander staged coup against Prince Sihanouk. Cambodia's politics and society begin to unravel. Cambodia is renamed the Khmer Republic.
- 23 March 1970** Sihanouk announces from Beijing the formation of a coalition with the Khmer Rouge to overthrow the Lon Nol regime.
- 30 April 1970** US and South Vietnamese invade Cambodia to attack North Vietnamese and Vietcong bases and supply networks. Vietnamese military forces defeat backbone of Lon Nol's army. Khmer civil war begins in earnest.
- 1970-5** Brutal civil war pits Sihanoukists and Khmer Rouge supported by China and North Vietnam against Lon Nol regime backed by the US.
- 17 April 1975** Khmer Rouge, secretly led by Pol Pot, win civil war, occupy and then totally evacuate Phnom Penh and other Cambodian cities beginning a period of ultra-radical communist rule (abolishing money, banks, private property, religion, forcing entire population into rural labour force) in which destruction of human life reaches genocidal proportions.
- 25 December 1978** Responding to deteriorating relations between Vietnam and Cambodia and Khmer Rouge incursions into Vietnam, Vietnam launches full-scale invasion of Cambodia.
- 7 January 1979** Vietnamese troops seize Phnom Penh and install a political party made up of Khmer Rouge defectors called the Peoples Revolutionary Party of Kampuchea. Cambodia is renamed Peoples Republic of Kampuchea. Khmer Rouge flee westward across Cambodia to, and across, Thai-border, to set up resistance bases. Hundreds of thousands of Cambodians seeking to escape both the Khmer Rouge and the Vietnamese, flee to, and across, the Thai-Cambodia border.
- 1979-81** A former Cambodian Prime Minister, Son Sann, sets up a resistance group, called the Khmer Peoples National Liberation Front (KPNLF) among the refugees in the border camps which attracts many former supporter of Lon Nol's Khmer Republic to fight against the Vietnamese. Prince Sihanouk sets up a royalist resistance group, called the National United Front for a Peaceful, Neutral and Cooperative Cambodia (FUNCINPEC) to fight the Vietnamese.
- June 1982** China and ASEAN (Association of South East Asian Nations) pressure Sihanouk and Son Sann to join with the Khmer Rouge to form the Coalition Government of Democratic Kampuchea (CGDK), in exile, which remains the UN General Assembly-recognized government of Cambodia.
- 1979-91** A period of civil war and international conflict in and over Cambodia that pits Sihanouk, Son Sann and the Khmer Rouge supported by China, ASEAN, and the West against Vietnam and its Cambodian protégé, the Peoples Republic of Kampuchea, supported by the Soviet Union.
- October 1989** Following the failure of an August 1989 peace conference in Paris to resolve the Cambodia conflict, Vietnam withdraws its armed forces unilaterally. The conflict in Cambodia acquires the character of a civil war, leading the five permanent members of the UN Security Council to initiate their own extended negotiations for a 'comprehensive solution'.
- 23 October 1991** Upon the conclusion of these negotiations, the four warring Cambodian political parties and 19 external parties to the Cambodia conflict sign a peace treaty in Paris known as the 'UN peace plan', this settlement is based on the creation of a large UN peace-keeping operation for Cambodia called the UN Transitional Authority for Cambodia (UNTAC) which is assigned responsibility for disarming and demobilizing the rival Cambodian armies and conducting an election to produce a new Cambodian government based on the will of the Cambodian people.
- 1992** The Khmer Rouge progressively withdraw from the implementation of the UN peace plan, preventing UNTAC from disarming and demobilizing the Cambodian armies. FUNCINPEC and the KPNLF,

along with the Peoples Revolutionary Party of Kampuchea (PRPK), which has now been renamed the Cambodian Peoples Party (CPP), remain in the peace plan and prepare to compete in the UN-conducted elections.

- May-June 1993** Although marred by pre-election political violence, UNTAC conducts Cambodia's first free and fair election in a generation and ninety per cent of the Cambodian electorate braves Khmer Rouge threats to cast their ballots. FUNCINPEC wins the election. CPP is second and a KPNLF offshoot called the Buddhist Liberal Democratic Party (BLDP) is third.
- June 1993** A post-election 'secession' ploy by elements of the CPP leads to an interim regime in which FUNCINPEC and the CPP share nominally equal power.
- 21 September 1993** A new Cambodian constitution is adopted creating a constitutional monarchy. Lon Nol's 1970 coup is nullified and Prince Sihanouk is reinstalled as King. His son, Norodom Ranariddh becomes 'First Prime Minister' and reflecting the negotiated outcome of the June 1993 'secession', CPP leader Hun Sen becomes the 'Second Prime Minister' in a power-sharing, parliamentary coalition Royal Government of Cambodia. Cambodia is renamed the Kingdom of Cambodia.

GLOSSARY

- ASEAN** (Association of South East Asian Nations), is an intergovernmental organization including Thailand, Malaysia, Singapore, Indonesia, the Philippines and Brunei that was very active on Cambodia-related issues, particularly at the United Nations, and in opposition to Vietnam's military occupation and political domination of Cambodia between 1979 and 1991.
- BLDP** (Buddhist Liberal Democratic Party), a conservative, nationalistic, political party that emerged from the Khmer Peoples National Liberation Front (KPNLF, see below) to compete in the UN-conducted election in 1993. The BLDP came third in the 1993 election and is currently part of the new royal Cambodian government.
- CGDK** (Coalition Government of Democratic Kampuchea), a loosely-structured, coalition Cambodian government-in-exile consisting of Pol Pot's Khmer Rouge, and two non-communist political parties – the Sihanoukist FUNCINPEC, and the conservative-republican KPNLF (see below) – formed in the early 1980s under ASEAN pressure to oppose the Vietnamese occupation of Cambodia, particularly at the UN General Assembly. During the 1980s Cambodia had two competing and warring 'governments', the CGDK, and the Peoples Republic of Kampuchea (PRK, see below).
- CPP** (Cambodian Peoples Party), the name given in 1989 to the formerly more avowedly socialist, Peoples Revolutionary Party of Kampuchea (see PRPK below), a regionally-based faction of the Khmer Rouge that fled to Vietnam in 1978 and was installed in office in Phnom Penh by the Vietnamese invasion of 1979. First under the name of the PRPK and then under the name of the CPP, this group was the *de facto* ruling party in Phnom Penh from 1979 to 1993. Headed by Chea Sim and Hun Sen, the CPP came second in the UN-conducted election and presently forms a major component of the new royal Cambodian government.
- DK** (Democratic Kampuchea) the name of Cambodia under Khmer Rouge rule between 1975 and 1979.
- FUNCINPEC** (French acronym for the National United Front for a Neutral, Peaceful, Cooperative Cambodia) founded in 1981 by Prince Norodom Sihanouk and became one of the three parties of the CGDK. Later FUNCINPEC, led by Prince Sihanouk's son, Norodom Ranariddh, came first in the UN-conducted election and forms a major part of the new royal Cambodian government.
- Kampuchea** The name of Cambodia in the Khmer language.
- KPNLF** Khmer Peoples National Resistance Group – see CGDK.
- Kampuchea Krom** The name given by Cambodians to an area in southern Vietnam that was formerly a part of Cambodia, and which continues to have a large population of ethnic Khmer.
- PDK** Party of Democratic Kampuchea – Khmer Rouge
- PRPK** Peoples Revolutionary Party of Kampuchea – see CPP
- SOC** State of Cambodia – succeeded the Peoples Republic of Kampuchea (PRK) as the *de facto* name of Cambodia in 1989.

Introduction

Cambodia is mostly known abroad for the self-inflicted genocidal suffering that Pol Pot's Khmer Rouge committed against the Cambodian people during the 1975-9 'killing fields', in addition to the suffering thrust upon its people when much more powerful countries fought each other on Cambodian soil: the US-Vietnam war (1970-5), and the 1979-91 proxy war in Vietnamese-occupied Cambodia between China and the Soviet Union.

More recently, from late 1991 to late 1993, Cambodia was the location of what has been widely regarded abroad as the most successful UN peace-keeping operation of the post-cold war era. Following five years of negotiations between the warring Cambodian factions – the neighbouring countries in South East Asia (the ASEAN states of Thailand, Malaysia, Singapore, Indonesia, the Philippines and Brunei, along with Vietnam and Laos), and the permanent members of the UN Security Council (China, France, Great Britain, the United States and Russia) – the UN dispatched over 20,000 peace-keepers to Cambodia at a cost of 2 billion dollars.

While not entirely successful as a peace-keeping operation (one of the four Cambodian political factions, Pol Pot's Khmer Rouge, withdrew from the peace process), this UN mission, known as UNTAC (the United Nations Transitional Authority for Cambodia), culminated in a UN-conducted election in May 1993 that led to the formation of a new Cambodian government. This government is a coalition of the three factions that remained within the UN peace process. As of late 1994, it remains engaged in a low intensity armed conflict with the Khmer Rouge.

However, for the first time since 1970, Cambodia has a government that is recognized – rather than fought over – by its neighbouring states and other world governments. A decade-long economic and political embargo against Cambodia has ended. Cambodia is again open and subject to trade, aid and investment from international financial institutions and the growth economies of South East Asia and the world; it has made a transition from 'failed state' to something of a 'normal', poor, developing country.

For the last 20 years international attention has necessarily focused on Cambodia's wars, genocide, refugees and famines, and on its enduring political personalities. In this new situation of relative 'normality', this MRG report seeks to provide an introduction to a relatively unknown and unexamined aspect of the Cambodia situation: the position of Cambodia's ethnic minorities.

Ethnic minorities

This report looks at four of Cambodia's ethnic minority populations: the Cham, the Khmer Loeu (translated as 'highlanders' or 'hill tribes'), the Chinese ethnic community and the Vietnamese ethnic community. (Since the

UN election, Cambodians and outside observers are beginning to consider the 'Kampuchea Krom' – formerly Vietnamese citizens of Cambodian descent, or Khmer ethnic stock who have migrated to Cambodia – as a fifth Cambodian minority group. But because most of the research for this report was conducted before the UN elections, this group is not examined here.)

The period between Cambodia's independence from France in 1953 and the 1970 coup that ousted Prince Sihanouk from power, what many Cambodians refer to as the 'old society' i.e. before the terribly destructive wars and revolutionary upheavals of the 1970s and 1980s, is often considered to be a benchmark to which policies should now return. However, during the 'old society' only two of the four minorities considered below, the Cham and the Khmer Loeu, were thought of as Cambodian ethnic minority groups. During that time, ethnic Chinese and ethnic Vietnamese were considered to be 'foreign residents', not Cambodian citizens. Thus, this report focuses more on the situation of Chinese and Vietnamese minorities in Cambodia because their situation is more complicated.

The situation of the ethnic Vietnamese featured prominently in Cambodian politics at the beginning of the US-backed Khmer Republic (1970-5) that followed the coup against Sihanouk. The very existence of the Cham, Vietnamese and Chinese ethnic communities was threatened by the ultra-revolutionary policies of Pol Pot's Democratic Kampuchea as Cambodia was called from 1975 to 1979. The situation of ethnic Vietnamese and Vietnamese nationals in Cambodia was a major issue during the period of UNTAC (1991-3), and still remains so. (Because the contemporary unresolved issues revolve largely around the situation of ethnic Vietnamese and Vietnamese nationals in Cambodia, this report devotes more attention to their situation than to those ethnic minorities which are not a contentious political issue and are therefore not at risk.)

The 1993 constitution

The status of ethnic minorities was unresolved during the drafting of Cambodia's new constitution (late 1993) by the constituent assembly resulting from the UN election, and remains so today. The new Cambodian government has yet to adopt basic legislation on Cambodian citizenship because of contention and indecision over who is, or can become, a citizen of Cambodia.

The complicated issues involved in this matter – Cambodia's sense of historical 'greatness' followed by terrible loss and victimization and Cambodia's current aspiration for the political and legal accoutrements of a modern democratic and law-abiding nation state – are amply displayed in the preamble to the September 1993

constitution adopted by the constituent assembly resulting from the UN-conducted election earlier that year:

WE, THE PEOPLE OF CAMBODIA, accustomed to having been an outstanding civilization, a prosperous, large, flourishing and glorious nation, with high prestige, radiating like a diamond,

Having declined grievously during the past two decades, having gone through suffering and destruction and having been weakened terribly,

Having awakened and resolutely rallied and determined to unite for the consolidation of national unity, the preservation and defence of Cambodia's territory and precious sovereignty and the fine Angkor civilization, and the restoration of Cambodia into an "Island of Peace" based on a multi-party liberal democratic regime guaranteeing human rights, abiding by law, and having high responsibility for the nation's future destiny of moving toward perpetual progress, development, prosperity and glory ...

One of the future tasks of the Cambodian government and society guided by the new constitution will be to determine who, precisely, are "THE PEOPLE OF CAMBODIA".

At key political events: Lon Nol's coup against Prince Sihanouk in 1970, the fall of the capital Phnom Penh in 1975, the ousting of Pol Pot by the Vietnamese in 1979, the famine and refugee crisis in 1980, the Vietnamese withdrawal in 1990, Prince Sihanouk's return to Phnom Penh in 1991, and the UN election of 1993, journalists have flocked to Cambodia. But because the country has been engulfed in war and revolution for several decades, and because it was entirely closed to independent, outside study during the Khmer Rouge years (1975-9), and partially closed during the decade of Vietnamese occupation (1979-91), unlike many other countries in South East Asia, few anthropological, historical, or sociological investigations have been undertaken by foreign academics or researchers. Further, because of the warfare, and because so many educated Khmer were killed by the Khmer Rouge or fled Cambodia after 1975 or 1979, Cambodians themselves have had only a very limited opportunity to examine their own contemporary society. Thus, the discussions of Cambodia's ethnic minorities in this Report are necessarily introductory and it is hoped that it will outline subjects and areas for additional research by Cambodians and others.



The Cham

The Cham, or Cham-Muslims, unlike the Chinese or Vietnamese minorities in Cambodia, represent an ethnic minority group that is regarded by Cambodians as a Cambodian ethnic minority group. Following Cambodia's traditional distinction between 'ethnic minorities' and 'foreign residents', the Cham are often considered to be the largest Cambodian minority group. Because they were regarded as Cambodian citizens and because of their Islamic faith, the Cham were officially designated by the Cambodian government during the 1950s and 1960s as 'Khmer Islam'.

Originally the Cham were the inhabitants of the medieval Hindu kingdom of Champa located on the coast of what is now central Vietnam. Between c. 1000 and 1100 AD, the Cham frequently fought the Cambodians. Indeed many of the bas-relief battle scenes on the temple walls of Angkor Wat represent these battles.¹ But during the same century that the Khmer abandoned Angkor, the Vietnamese, expanding south from Tonkin and Annam, conquered Champa. Preferring to live among the Hindu Khmer, rather than the Sino- or Confucian-cultured Vietnamese, the Cham migrated to Cambodia and settled along the rivers and Lake of Tonle Sap. The Cham concentrated just north of Phnom Penh and in the province of Kompong Cham. The Cham converted to Islam as it swept eastward into island and peninsular South East Asia.

Ethnically and linguistically the Cham are Malayo-Polynesian. Over the centuries the Cham intermarried with Malaysian Muslims who had migrated to Cambodia, and broadly-speaking the Malay and the Cham have now merged into a single group.

The Cham live in their own villages, often in the countryside, directly next to Khmer villages. In the towns or cities, the Cham are clustered in their own neighbourhoods or suburbs. The Cham maintained their own style of dress: the women grew long hair and covered their heads with scarves; men wore skull caps and often grew beards. The Cham are concentrated in a limited number of occupations: primarily fishing and water-buffalo raising, but also blacksmithing, jewellery making, sculpture, boat making, silk weaving and selling cloth.

Although the Cham have lived alongside the Khmer for centuries, an adherence to *sharia* (Muslim) law prohibiting marriage outside the Muslim community has resulted in the retention of identifiable physical group characteristics.² The Cham still retain their ancestral language, mainly as an oral tradition, but Bahasa-Malay is spoken between Cham. The Arabic alphabet, learned at the Koran school, is used in writing and in religious contexts. The Cham observe Islamic holidays and dietary laws, and pray to Mecca several times daily.

There is no consensus on the size of the Cham population in post-independence Cambodia. According to one researcher:

*'Estimates vary on the number of Cham existing in Cambodia before 1975. Cham inside Cambodia and in exile claim 700,000, one-tenth of the Cambodian population. [And claim] this figure is based on a survey of households connected with Cambodian mosques. Thai Moslems figure their Cambodian co-religionists to number approximately half a million. Pre-1975 Khmer accounts regarded the Cham population as much smaller, as low as 150,000, and some earlier texts did not count the Cham at all because they were regarded as foreigners and not Cambodian. Father Ponchaud [a French Cambodian specialist] places the Cham population in 1975 at 250,000.'*³

According to an academic studying ethnic relations in Cambodia during the 1960s:

*'Apart from their religion, the Khmer Islam have adopted the Khmer way of life, and relations between Khmer Islam and Khmer appear to be unaffected by prejudice or discrimination.'*⁴

According to Elizabeth Becker, a former Phnom Penh-based journalist for the *Washington Post*:

*'Sihanouk had tried to integrate the Chams into Khmer society, but both the Chams and the Khmer disapproved. The Chams did not want to lose their identity or disobey their faith as integration might require. The Khmer were sufficiently racist to prefer the Chams to keep a lowly distance.'*⁵

Becker continues:

'At the beginning of the [Cambodian civil] war in 1970 the Chams were sympathetic to the Khmer Rouge. They hoped the communists would win and reverse the long-standing policies of benign discrimination practised by the central authorities in Phnom Penh. Both sides were eager to enlist the Chams – as minorities whose faith accepted war, they were considered to be the best and most ferocious fighters in Cambodia. The majority of Chams joined the Khmer Rouge and were among their ranks until 1973, when, with the inauguration of cooperatives, the communists declared the Cham's distinct life-style counterrevolutionary.'

*'As the [1975-9 civil] war was coming to an end, the Phnom Penh authorities learned through intelligence reports of the Khmer Rouge repression of the Chams, and tried to entice Chams to their side. They promoted Cham military officers and strengthened ties with Islamic countries in the Middle East as well as those in Southeast Asia. But it was too late.'*⁶

The Cham under Pol Pot (1975-9)

If there is little agreement on the size of the Cham-Muslim minority group before 1975, there is widespread agreement that the Cham were terribly persecuted under Khmer Rouge rule – due to the rigidly-maintained Khmer Rouge policy of forced assimilation and their aim to abolish religion.

In decrees sent to the provinces the Khmer Rouge declared that:

*“There is one Kampuchean revolution. In Kampuchea there is one nation, and one language, the Khmer language. From now on the various nationalities [listed according to province] do not exist any longer in Kampuchea. Therefore [Cham] individuals must change their names by taking new ones similar to Khmer names. The Cham mentality [Cham nationality, language, costume, habits and religion] are abolished. Those who do not abide by this order will reap all consequences.”*⁷

According to one human rights investigator:

*“In many areas Cham communities were broken up and dispersed among the general Khmer population, sometimes two or three families to a commune. Community and religious leaders were executed. Cham women were required to cut their hair short. Men were not allowed to wear their distinctive caps or sarongs. Mosques were destroyed. According to the Hakkim (religious leader) at Chaing Chamres, a suburb of Phnom Penh, of 113 mosques prior to 1975, only 20 remain. Cham burial grounds were desecrated and Cham who died were defiled by being buried “upside down” (i.e. not facing Mecca). Some Cham were forced to eat pork, forbidden to Moslems, as a test of loyalty, and some who refused were executed.”*⁸

Numerous Cham communities resisted this forced Khmer assimilation. Probably in response to the prohibition on religious practices and the threatened loss of their Islamic identity, the Cham rebelled. This rebellion made them enemies of the regime. In response to this resistance, massacres of entire villages ensued:

“Early escapees [to Thailand] reported [the] wholesale slaughter of Cham at Trea and at Kroch Chhmar in Kompong Cham province. Mat Le [an ethnic Cham official from the agricultural ministry of the successor regime of the Peoples Republic of Kampuchea], mentioned massacres at Koh Thas village and Svey Klieng in Kompong Cham. Up to 40,000 are reported to have been killed in the hamlets in the districts of Kong Meas and Kompong Siem in Kompong Cham. A survivor from the Kong Meas district reported to a Japanese journalist [in 1980] that 2,000 people of 500 families of Khach So community, Peam Chikang village, Kompong Cham province were killed in one evening in April 1978. Thousands were thrown into a ravine known as

*Chros Stung Treng; other Cham massacres reported at the Phnom Penh Tribunal took place in Khlong district, Kratie province, Orussay district, Pursat province, and Kompong Trolek district, Kompong Chhnang province. In August 1979 [following the ousting of Pol Pot] only 60 of 1,200 pre-1975 Cham households had returned to the Chruai Changvar area near Phnom Penh.”*⁹

The Cham to the present day

Following the ousting of the Khmer Rouge in 1979, the Cham were able to resume their traditional lifestyles and religious practices. They rebuilt their former villages and mosques, and returned, as best they could, to their previous occupations.

Under the Peoples Republic of Kampuchea, Islam like Buddhism, but unlike Christianity, was again a state recognized religion. The Cham language, and the use of Arabic for religious ceremonies, were again allowed in public in 1979. As a community, the Cham were included within the structures of the United Front for the Defence and Edification of the Motherland, the official body created by the Peoples Revolutionary Party of Kampuchea (PRPK) to guide and control Cambodia. As individuals, the Cham were given governmental administrative roles and selected by the party to participate in the national assembly. Indeed, the Cham became something of a showcase for the regime to distinguish the moderate socialism of the PRPK from the radical communism of the Khmer Rouge.

Following the Paris peace treaty in 1991, Cambodians were freely allowed to travel abroad and many more Cham are now able to make the Haj, the religious pilgrimage to Mecca. In 1992, 96 people made this journey, many with the financial assistance of Muslim states. Islamic states are also providing financial assistance for the rebuilding of mosques. Others are providing teachers of Arabic, and the World Muslim League, an organization in Saudi Arabia, has promised 30 scholarships for Cham Muslim students to study in Indonesia, Malaysia or Pakistan. Muslim religious leaders from Pakistan have also visited to spread the message of Islam.

During the UNTAC period, the Cham do not seem to have articulated grievances over discriminatory practices. There may be some ethnic prejudice among the Khmer towards the Cham, but it does not seem to have contributed to significant racial tension between the two communities. Similarly, there may be religious prejudice among the Buddhists towards the Muslims, but this has not led to any major tension between the two groups.

The indigenous ‘hill tribes’

The indigenous minorities of Cambodia, known by the generic name ‘Khmer Loeu,’ literally the ‘upper Khmer,’ have never commanded much attention either inside or outside of Cambodia, and their plight has yet to be seriously addressed. Although their numbers may not be large, the new democratically elected government should ensure safeguards consistent with international standards to protect the language, culture and religion of its indigenous citizens.

The Khmer Loeu minorities have often been referred to as the highlanders, uplanders, hill tribes, or indigenous minorities. These minorities are the Cambodian equivalents of the more widely known highlanders of Vietnam and Laos or the hill tribes of Thailand. They are indigenous in the sense that, like the Khmer, they are deemed to be original inhabitants of Cambodia as opposed to the Cham, Chinese or Vietnamese ethnic minorities who migrated to Cambodia centuries or decades ago. These small groups inhabit the isolated, north east mountainous regions of Ratanakiri and Mondulakiri provinces, and also the mountainous areas of Koh Kong province in the south west. According to W. E. Willmott: ‘They are considered by the Khmer to be uncivilized but nevertheless closely related to them.’¹⁰

Centuries ago, the hill tribe areas were raided as a source of slaves. Otherwise, the hill tribes traded products with the lowland Khmer from the rice-growing plains. More recently the hill tribes have been noted for their isolation and presumed ‘primitiveness’. In the words of a nineteenth century French naturalist:

*‘Quite alone and independent in their forests, they scarcely recognize any authority but that of the chief of their village ... [The Cambodian king’s] emissaries scarcely dare pass the limits of the kingdom, so fearful are they of the arrows of the savages and the fevers which reign in their forests.’*¹¹

Even today, when Khmer speak of the indigenous minorities, there is sometimes an air of superiority, or even contempt, conveying an attitude of the need to ‘develop’ or ‘modernize’ them. However, this is not the view of everyone and one official who works in Ratanakiri province for a non-governmental organization states: ‘[The Khmer Loeu] are proud people who value their culture and language.’¹²

According to a Cambodian government spokesperson, 30 to 36 different ethnic and linguistic minority groups exist in Cambodia.¹³ An UNTAC survey of the indigenous minorities notes six large hill tribes numbering over 10,000 and 20 smaller groups numbering less than 3,000. The larger ethnic groups are Kreung-Brou, Tampuan, Jarai, Stieng, Kuay, and Mnong. Although this study notes a figure of 75,000, its author warns against accepting this statistic, because it is only a very rough estimate, as earlier formulat-

ed by the national assembly of the Peoples Republic of Kampuchea (PRK).¹⁴ Most of the indigenous minorities live in the hills practising slash and burn subsistence farming.

Minorities under the regimes

Historically, various regimes in Phnom Penh have tried to assimilate the indigenous minorities using covert and overt means. Under French colonial rule, rubber plantations were introduced into Ratanakiri, employing most of the highlanders for 15 days out of the month.¹⁵ The highlanders were mainly organized by the tribal chiefs, and therefore had very little or no contact with the colonial administrators. The highlanders were also employed to build roads, bridges, and other construction works. It appears that French colonial rule provided just enough freedom to deter organized protests.

According to Willmott, government resettlement projects following Cambodia’s independence in 1975 intended to bring the highlanders into sedentary rice farming. This met with some success but also some opposition.¹⁶

It was not until Prince Sihanouk’s regime that discontent became visible and organized. Under his rule, the highlanders felt that their independence and autonomy was being restricted. According to Provincial Chief Justice, Choung Pheav, the number of rubber plantations did not increase during Sihanouk’s regime; he merely maintained the existing ones. However, during this period, increased working days and harassment by government troops greatly aggravated the inhabitants in the north east, culminating in a street protest in 1966. Discord intensified after the ousting of Sihanouk, when the successor regime led by Lon Nol tried even harder to bring the hill tribespeoples into the lowland Khmer way of life.

To further complicate matters, in the mid 1960s the then secret leadership elements of the Khmer Rouge had taken refuge in the mountains of Ratanakiri, and government troops indiscriminately burnt highlander villages and killed the villagers thinking that the highlanders had either allied with the Khmer Rouge or were sympathetic to their cause. By 1970, some of the highlander nations had, in effect, allied with the Khmer Rouge who had hidden in the mountains to escape Sihanouk’s and later, Lon Nol’s troops. The Khmer Rouge successfully recruited Khmer Loeu to their cause. Furthermore, the increased frequency and ferocity of the US bombings in the north eastern and eastern provinces worked in favour of the Khmer Rouge, which used the bombings to fuel its anti-Sihanouk, then anti-Lon Nol and finally anti-US propaganda. Some observers believe that most highlanders did not know or understand the Khmer Rouge ideology.¹⁷ Or that highlanders and the Khmer Rouge simply shared the same adversaries. Others point to Pol Pot’s patient, personal and intensely loyalty-inducing recruitment methods employed during the years he lived among the hill tribes.¹⁸

Nevertheless, because of the diversity of the highlander groups in the area, it remains uncertain to what extent the indigenous minorities actively supported and were allied with the Khmer Rouge during the 1966-75 period. The Jarai people, who had a warrior-like reputation, were supported by the US government to fight the communist Vietnamese. Yet the Jarai were also coopted by the Khmer Rouge to infiltrate Vietnam. Moreover, the Brou were allied with the Khmer Rouge, but reportedly rebelled after 1973.¹⁹ Hence, the Khmer Rouge's popularity and following among the indigenous minorities as a whole deserves additional research. Nonetheless, the association of the Khmer Loeu with the Khmer Rouge has been widely noted. Pol Pot reportedly had a substantial personal bodyguard and trusted messenger force of hill tribespeople.²⁰ According to Becker's account of the Khmer Rouge revolution:

*'When [Pol Pot's] troops won the war eight years later, witnesses remarked on the high proportion of dark-skinned tribals fighting in his ranks. Sihanouk, even later blamed these "savages for the cruelty of the Cambodian Communist Party".'*²¹

The lack of information available makes it difficult to clearly assess the years of Khmer Rouge rule, 1975-9. Initially the Khmer Loeu may have benefited from their designation as 'base people', i.e. early supporters of the Khmer Rouge, and because of the mountains, Khmer Loeu areas were not subjected to the forced influx of urban evacuees. On the other hand, although the highlanders did not suffer persecution to the extent of the Cham or the Chinese minorities, the hill tribes were subjected to cultural and economic assimilation. Some were brought down from the hills to work on irrigation projects and others felt that their identity was being eradicated by the Khmer Rouge. Many examples bear this out. First, the Khmer Rouge confiscated the ceremonial jars which were used to ferment rice for rice wine. Second, under the pretext of making ammunition, the Khmer Rouge also took away their ceremonial gongs. Moreover, the highlanders were forbidden to speak their own languages and had to learn Khmer; and, according to various reports, husbands and wives were often separated.²² According to French researcher, Locard:

*'Whole communities [of Khmer Loeu] with their leaders took the opportunity to run away to Laos and Vietnam and joined their ethnic compatriots on the other side of the border.'*²³

Under the successor regime, (Peoples Republic of Kampuchea, PRK which later changed its name to the State of Cambodia, SOC), the indigenous minorities have fared much better. This is not because of overtly benign policies to safeguard the minorities but because of the lack of any coordinated policy towards them. The indigenous peoples were able to practise their religion and culture, albeit within an SOC civil administrative structure.

Problems facing the highlanders

The most pressing concern of the indigenous minorities is the need for health care. Malaria and other diseases are rampant, and there is a lack of almost all medicines.

Although indigenous medicine is effective for many ailments, life-threatening diseases are often not treated. Instead, sacrifices of livestock are offered to the deities. Therefore, a method of incorporating modern medicine into traditional practices may be a viable alternative.

Another potential problem facing the indigenous minorities is the environmental pressures of slash and burn farming. Although no formal research has been conducted on this matter, field visits to many of the villages bear out this hypothesis. Because slash and burn agriculture requires considerable land, any encroachment on their land could seriously hinder the highlanders' situation.

Schemes to develop this area for commercial uses such as logging, farming, livestock grazing, and tourism may conflict with the way of life of the indigenous minorities. Already, plans for several hotels in Ban Lung, the capital of Ratanakiri, are underway, and the newly-built hydroelectric plant providing electricity to Ban Lung and surrounding areas may also stimulate economic development and tourism. Moreover, the fertile land and the year-round availability of water makes Ratanakiri ripe for the food processing industry.²⁴ The inevitable encroachment by the Khmer majority coupled with hill tribe population increases could lead to increased conflicts over land.

Lastly, the increasing frequency of contact with the Khmer and the development of a market economy, will inevitably affect the highlanders. Some changes are already visible. Young girls in remote villages wear make up and women who traditionally have gone topless are now wearing blouses and bras. Changes are occurring and occurring rapidly, yet the indigenous minorities must confront these if they are to retain their cultural identity. The fact that their languages are not written, coupled with the proliferation of Khmer schools in the past two years, may lead Khmer to supplant the teachings of highlanders' native languages and put them in the most vulnerable situation of their lifetime.

In order to withstand the inevitable encroachment of the Khmer majority and modernization, the indigenous minorities must organize socially and politically. In the light of these rapid changes, the highlanders living in Ban Lung, Ratanakiri have recently formed the Association for the Progress and Development of the Highlander Nations of Ratanakiri. Their objective is: to promote the development of highlander culture and agriculture, to address medical needs and to improve access to better communications for the highlander nations in Ratanakiri. As of mid-1993, the Association had built a meeting hall and a cooperative shop in the O Chum district. Although the viability of this organization is uncertain, due to internal conflicts and a lack of adequate funding, the mere creation of such a group is a recognition of the need to face the changes.

Governments, past and present, have neglected the areas inhabited by the indigenous minorities, and because these areas are remote, and previously because they were thought to be controlled by the Khmer Rouge, very few international NGOs have ventured out to these provinces. However, the future of the indigenous minorities depends on sound policies that ensure the freedom to practice their religion and culture and to speak their languages without being neglected or assimilated.

The Chinese

The Chinese community, unlike the Vietnamese community, does not invoke the hatred of the Cambodian people. A partial explanation may be that the Chinese community has assimilated with Khmer society to a greater extent. Yet, at the same time, it has retained its culture through the practice of its language, religion and customs.

Interestingly, however, the Chinese enjoy an economic position envied by many Cambodians. If the Chinese hope to maintain their economy prosperity and wellbeing, it is vital for them to live in a peaceful Cambodian society in which the government respects the rights of minorities. Yet the Chinese are currently regarded as foreign residents in Cambodia and not as a national minority, although many are second and third generation Cambodian-born Chinese. However, in this report, the Chinese are regarded as a Cambodian minority group due to their inferiority in number and the duration of their presence.

Historically, Chinese traders were present in Cambodia during the Angkor period, although they were not numerous because Angkorian Cambodia was largely economically self-sufficient and did not rely on foreign trade. However, after the Cambodian capital relocated south and east to the Mekong River, international trade became much more important and Chinese traders and immigrants became a key element in the Cambodian economy.

The Chinese in Cambodia derive from four regions and five language groups in south eastern China.²⁵ The foremost scholar of the Chinese community in Cambodia, Willmott, believes that the earliest sustained Chinese settlers were Hokkien from the region of Amoy in southern Fukien province.²⁶ During the eighteenth century, Hainanese from the island of Hainan came to southern Cambodia originally as labourers on pepper plantations. Subsequently many moved to Phnom Penh, where they came to predominate in the hotel and restaurant sector. After Cholon, the Chinese sister city of Saigon, become the major port for lower Mekong trade, Cantonese moved from Cholon to Phnom Penh, originally as carpenters and labourers.²⁷ These Cantonese and Hainanese 'formed the beginnings of the modern Chinese community in Indochina'.²⁸

However, three-quarters of the ethnic Chinese in Cambodia are Teochiu from the north eastern part of Kwantung province, who migrated in massive numbers following economic crisis in China in the early 1930s. Willmott notes that as of 1963, nearly nine-tenths of the Chinese in rural Cambodia and seven-tenths of the Chinese in urban areas were Teochiu.²⁹ Also migrating to Cambodia in more recent times were Hakka from north east Kwangtun province who specialized in cobbling, herbal medicine and dentistry, and settled in Phnom Penh and Takeo province.³⁰

Describing the long term role of the Chinese in Cambodia, Willmott notes:

*'Even before French times, the Chinese acted as the economic middle men between the Khmer peasant and aristocrat, leasing monopoly farms from the king, collecting revenue from his subjects, and organizing the rice and fish trade from which the court obtained substantial income. Under French rule, their role continued to be that of economic intermediary, and today they still predominate among the merchants and small industrialists in the country.'*³¹

Not only did the Chinese serve an essential role in the post-Ankorian Cambodian economy, but while maintaining their own communities the Chinese adopted many Khmer customs and frequently married with the Cambodian élite. While many Chinese in Cambodia considered themselves Chinese in the same way that China considered all overseas Chinese as subjects of China, many Chinese were becoming integrated and assimilated into Cambodian society.

The legal status of the Chinese in pre-revolutionary Cambodia

Up to the end of sixteenth century, all foreign residents were regarded as being under the direct justice of the Cambodian king. But as the numbers and types of foreign residents (Lao, Vietnamese, Cham, Malay, Chinese, Japanese, Javanese) grew, indirect control over these diverse communities was initiated by selecting a leader from the various foreign communities who would be responsible for maintaining law and order over those communities. Willmott believes this was the beginning of a congregation system elaborated in the nineteenth century by the Vietnamese emperors and later formalized by the French.³² (See below).

But the role of the Chinese in the Cambodian economy was such that they were treated differently from other foreigners. Like other foreigners, the Chinese were exempt from *corvée*, (conscripted) labour but were given responsible positions in the Cambodian administration, and were granted monopolies in revenue, alcohol and fishing.³³ They enjoyed privileges not available to other foreign residents. According to Willmott: 'Chinese born in Cambodia could become full subjects of the king by adopting Khmer customs'.³⁴

At the beginning of the nineteenth century, the Vietnamese had adopted a rigorous system of congregations in southern and middle Vietnam – dividing foreign residents into groups according to their place of origin, one of whom was selected to be responsible for law and order, the collection of taxes, and travel for the members

of these different congregations. Coming into Cambodia after they were already established in parts of Vietnam, the French tried to adopt and further refine this system, making a separate Chinese congregation for each of the five Chinese regions described above. The French tried to classify children of Sino-Khmer marriages as Chinese, but the Cambodian kings ordained that any child of one Cambodian parent could be entered in the Cambodian tax register as Khmer, provided he or she abandoned Chinese dress and hairstyle.

By the time of Cambodia's independence from France in 1953, the situation of nationality for the Chinese in Cambodia became more complicated because the Chinese could not be nationals of either the Republic of China or the Peoples Republic of China. While the Republic of China had always claimed jurisdiction over the Chinese abroad, the new government in China initially ignored the Chinese abroad, perhaps as Willmott notes, judging them to belong to classes antagonistic to the Chinese revolution.³⁵

The newly independent Cambodian government passed laws on nationality and immigration in 1954 and 1956, according to which anyone with one Cambodian parent could be considered Cambodian regardless of the place of birth, and that anyone born in Cambodia of one Cambodian parent was Cambodian. Further liberalizing the circle of potential Cambodian subjects, any foreigner of good character and morals who resided in Cambodia for at least five years could apply for naturalization. Candidates for naturalization were supposed to know the Khmer language, but this requirement could be waived for a fee.³⁶ The upshot of this expansion of citizenship was that in the late independence-pre-revolutionary period, the Chinese community in Cambodia contained both Chinese and Cambodian nationals.³⁷

The Chinese community after the ousting of Sihanouk

The situation of ethnic Chinese in Cambodia began to deteriorate during the Khmer Republic, 1970-5. After organizing massacres and expulsions against the ethnic Vietnamese, Lon Nol, an ultra-nationalist populist, also began to campaign against the Chinese stating they were greedy merchants whose offspring were exempt from the draft. According to Becker, then a *Washington Post* correspondent in Cambodia:

*'One pro-government newspaper warned that the Chinese of Phnom Penh might reap the same "bitter souvenir" as the Chinese of Indonesia, who were slaughtered in the 1965 uprising.'*³⁸

Lon Nol ordered the closing of Chinese schools and began to extract large sums of money from the Chinese community. But the Khmer Republic was absorbed by its losing battle with North Vietnam and the Khmer Rouge. The 'bitter souvenir' for the ethnic Chinese in Cambodia would await the Khmer Rouge victory. The extreme leftists of the Khmer Rouge shared with the extreme right-wingers of the Khmer Lon Nol regime an ultra-nationalist

Khmer chauvinism. But the followers of Pol Pot grafted onto the ideas of a purified Khmer race an ultra-radical Marxist-Leninist-Maoist ideology, ironically drawn in part from the Great Leap Forward and Cultural Revolution in China.

According to the academic, Kiernan: 'What happened to [Cambodia's] Chinese appears to have been the greatest tragedy yet to befall any community of South East Asian Chinese'.³⁹ Cambodia's Chinese community was indirectly targeted by the Khmer Rouge for their 'bourgeois' economic status, as the Communist Party of Kampuchea sought to make a socialist revolution by eliminating 'capitalists' as well as currency, banks, private property and other central features of a capitalist economic system.

As merchants and economic traders, the ethnic Chinese in Cambodia were concentrated in the cities and towns of Cambodia, so they were, like other Cambodian city dwellers, profoundly affected by the urban evacuations and the rigorously enforced requirement to become agricultural labourers in extremely harsh and brutal circumstances. A survey on death tolls of 1,500 Cambodian refugees conducted by the academic Heder suggests that half the Chinese inhabitants died in less than four years: roughly one-third from executions, one-third from starvation and one-third from disease.⁴⁰

According to Kiernan:

*'When they were driven into the countryside in April 1975, many Chinese, like urban Khmer, went back to their villages of origin, mostly in the Eastern and Southwest Zones. However, in an almost equally massive second forced evacuation later in the year, most Chinese, like most urban Khmer, were transferred to the Northwest Zone near the Thai border. The Northwest was divided into seven numbered Regions: in Region 5 alone, over 230,000 Phnom Penh people arrived in late 1975, outnumbering the Region's 170,000 original inhabitants. This crash resettlement programme was a disaster. The Northwest, though fertile and under populated could not immediately support such large numbers, and tens of thousands of "new people" died in 1976 alone. 1977 and 1978 were only slightly better years in terms of food and often worse in terms of overwork and brutality. Many Khmer refugees report that ethnic Chinese suffered the most in this tragedy, as they were unused to labouring in the fields even if they had originated from rural areas. It is probable that at least two-thirds of the national death toll of 200,000 Chinese died in the Northwest from 1976 to 1978.'*⁴¹

Cambodia's ethnic Chinese suffered not only because of their economic status. Like all other ethnic minorities in Cambodia under Khmer Rouge rule, the Chinese were also subjected to ethnic or racial discrimination as part of the Khmer Rouge efforts to banish minorities. This represented a vigorously enforced compulsory assimilation of former ethnic minorities into the Khmer majority brought about by a complete prohibition on minority languages, minority dress, customs and holidays, and the break up of ethnically separate neighbourhoods and communities.

According to Becker:

*'The Khmer Rouge directive to all zones that only the Khmer language would be spoken in Democratic Kampuchea and that minority nationalities no longer "existed" meant people of minority races either became Khmer in a sometimes brutal fashion or faced execution. Some Khmer Rouge cadre took the decree [abolishing ethnic minorities] as licence to slaughter minorities.'*⁴²

*'In the case of the Chinese,' Becker relates, 'race and class were indistinguishable in the Cambodian revolution.'*⁴³

This approach is confirmed by a Sino-Khmer survivor interviewed by Kiernan who said: 'We were not even allowed to speak Chinese; we were accused of being capitalist by the Khmer Rouge. We were killed off.'⁴⁴ Kiernan concludes that, while other ethnic minorities from poor social origins were targeted for execution, for the Chinese minority:

*'Despite prohibition of their language and cultural autonomy, ethnic Chinese would have been safe enough in Democratic Kampuchea if they could satisfy their Khmer Rouge rulers that they were of poor social origins. But the Khmer Rouge presumption was always they were not, and half of them (probably more than 200,000 people) died as a result of this and a general Khmer Rouge prejudice against urban dwellers.'*⁴⁵

The Chinese minority since 1979

Following the Vietnamese invasion that ousted Pol Pot from power in late 1978, the surviving Chinese, like other Cambodians, were free to return to the cities and towns from which they had been evacuated. Like other Khmer, many ethnic Chinese returned to their old homes or places of business to see what was left, to search for missing family members, and to try to put their lives and families back together.

However, because the Vietnamese invasion of Cambodia was shortly followed by a limited Chinese invasion of Vietnam, and because many ethnic Chinese were fleeing Vietnam, tens of thousands of Cambodia's ethnic Chinese took the opportunity of the end of Khmer Rouge rule to flee to Thailand, where they established large scale Sino-Khmer sections of the sprawling Khao-I-Dang refugee camp run by the UN High Commissioner for Refugees (UNHCR).

Those Chinese who returned to Phnom Penh were able to resume limited economic activity, particularly petty trading. But they were not allowed by the Peoples Republic of Kampuchea to reestablish the Chinese Association, display business signs in Chinese, or reopen Chinese language schools. This would have to await the withdrawal of the Vietnamese in late 1989 and the prospect of an end to the Cambodian civil war, and the arrival of the UN in 1991.

These events ended the economic and diplomatic embargo against Cambodia by the West, the international financial institutions, and the growth economies of South East Asia. Chinese businesspeople and investors from Hong Kong, Taiwan, Thailand, Malaysia, and Singapore brought significant private capital into Cambodia, often through Sino-Khmer business networks.

Scores of new hotel and restaurants were opened in Phnom Penh and the provincial towns along with distribution and retail outlets for all manner of goods and services.

The revival of Cambodia's Chinese community is evident from the main streets and boulevards of Phnom Penh where businesses now display signs in Khmer, Chinese and English. The Chinese Association was reestablished and the first Chinese language schools reopened in September 1992. There are now eight such schools in Phnom Penh alone. Cambodia's ethnic Chinese and Sino-Khmers have for the most part now resumed the economic, social and political status and role they occupied in Cambodia's 'old society' before the ousting of Sihanouk in 1970.

Today, the Chinese community is a cohesive, tolerated, and integrated community. Sometimes it is extremely difficult to determine who is Chinese because of the decades of intermarriage. However, it seems that up to the arrival of the UN, Cambodian citizenship was still considered to be based on the 1954 law which required a patrimonial blood lineage, i.e. the need of a Cambodian parent. Furthermore, a would-be Cambodian must be able to speak and write Khmer as well as change his or her name to a Cambodian name. Hence, although the Chinese may speak, read and write Khmer, they are still considered to be foreign residents.

The Vietnamese

A leading scholar of ethnic relations in Cambodia has pointed out four distinct groups of Vietnamese in Cambodia with separate histories of immigration: rice farmers, an urban population, the fishing community and plantation workers.⁴⁶

Regarding the rice farmers, during the eighteenth and early nineteenth centuries, the boundaries between the lands held by the Vietnamese emperors and those held by Khmer kings were undefined. The Vietnamese emperors were able to carry out a policy of colonization in the sparsely populated Mekong Delta, much of which they subsequently incorporated into their empire as Cochinchina but which the Khmer continued to regard as Kampuchea Krom or 'lower Cambodia'. As Vietnamese rice farmers moved up the Mekong River they met with opposition from Cambodian peasants. Nevertheless, by the 1960s, according to Willmott the Vietnamese farmed a large area of the ricelands of Prey Veng and Svay-Rieng provinces in Cambodia.⁴⁷

When the French established their protectorate over Cambodia they staffed much of their colonial administration with Vietnamese, who established a Vietnamese quarter in Phnom Penh called the 'Catholic village'. As Willmott describes it:

*'Since independence, many of the Vietnamese civil servants have been replaced by Khmer and have moved into secretarial and clerical jobs in the non-Chinese commercial and industrial establishments. The French also encouraged Vietnamese artisans (carpenters, mechanics, plumbers) to come to Phnom Penh and established a tradition of hiring Vietnamese maids.'*⁴⁸

The third category of Vietnamese in Cambodia in post-independent Cambodia is the fishing community on the Mekong and in the Tonle Sap Lake. According to Willmott, while the Chinese control the fish commerce, the Vietnamese form the largest portion of the commercial fishing fleet. However: 'These Vietnamese are poor, and in contrast to their urban compatriots, they are usually Buddhist rather than Catholic'.⁴⁹

Lastly the French brought in Vietnamese plantation workers for the large rubber estates in eastern Cambodia near the Vietnam border. In 1961 there were over 23,000 Vietnamese in the plantation labour force.⁵⁰

The upshot, according to Willmott, is that:

'Although these four different groups are all considered Vietnamese, it is primarily against the rice farmers and the urban population that Khmer practice discrimination, mainly because it is with these categories that they are in daily contact. Khmer prejudice against Vietnamese has deep historical roots, for the Vietnamese have been invaders of

*Cambodia during three centuries. Their [Vietnamese] identification with the French overlords has also contributed to bad feeling, as has the belief that they have displaced Khmer peasants from the rich ricelands of the lower Mekong basin.'*⁵¹

The burdens of history

For some Khmer, the immigration of various groups into Cambodia is coupled with the legend of historical Vietnamese occupations of Cambodia. This is particularly the case with the Vietnamese occupation of 1835-40, when the Vietnamese emperor in Hue colonized Cambodia with common criminals and prisoners of war from Vietnamese civil conflicts. Worse, the Vietnamese, whose culture and ethos was Confucian, attempted a thorough 'civilization' of 'barbarian' Cambodian political culture and social customs. Cambodian provinces were given Vietnamese names, and Khmer officials replaced with Vietnamese administrators. In the absence of a sitting Cambodian monarch, the Vietnamese appointed a Cambodian queen according to Sino-Vietnamese, not Khmer, coronation ceremonies. In addition, the Vietnamese took away the Cambodian royal vestments and regalia thought by Khmer to be necessary for Cambodian monarchs to maintain and exercise their political legitimacy and moral authority.

In the name of increased efficiency the Vietnamese also attempted to alter Cambodian rice growing and oxen raising techniques. The Vietnamese also sought to teach the Khmer the Vietnamese language. And to further 'civilize' the Khmer, the Vietnamese sought to impose Vietnamese dress (trousers instead of sarongs for men, dresses with slits up the sides for women) and Vietnamese etiquette, including forms of salutation (greeting others from a standing rather than bowing or kneeling position).⁵² Moreover, to make Vietnamese rule in Cambodia financially self-sustaining, the Vietnamese increased taxes and *corvée*, on the Khmer populace.

In sum, the Vietnamese treated Cambodia as a part of an expanding Vietnam and sought to impose Sino-Confucian customs on the Hindu-Buddhist Khmer. As a leading historian of Cambodia has noted:

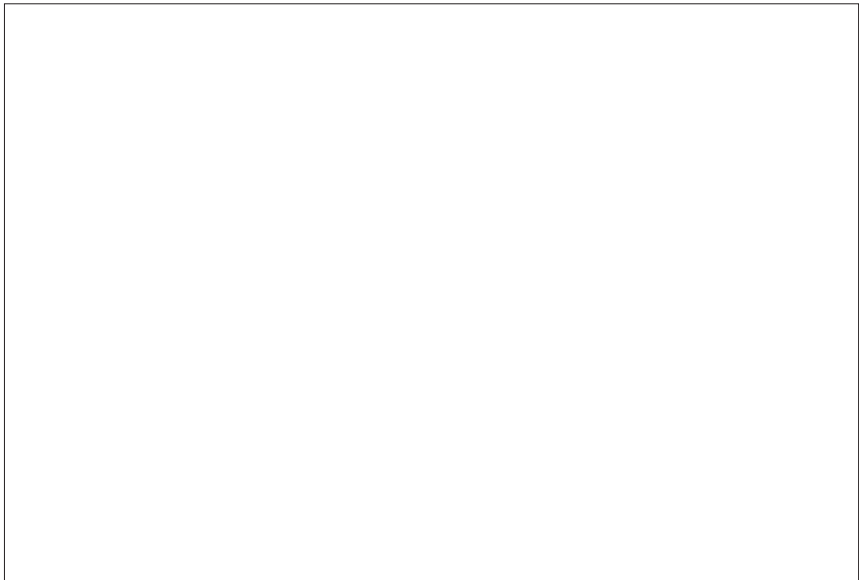
*'The two peoples lived on different sides of a deep cultural divide, perhaps the most sharply defined of those in effect in nineteenth century South East Asia; it was to be savagely exploited in the 1970s, first by Lon Nol and later by Pol Pot and his xenophobic armies.'*⁵³

The difficult history between Cambodians and Vietnamese is by no means limited to the mid-nineteenth century. During the French colonial period, the border



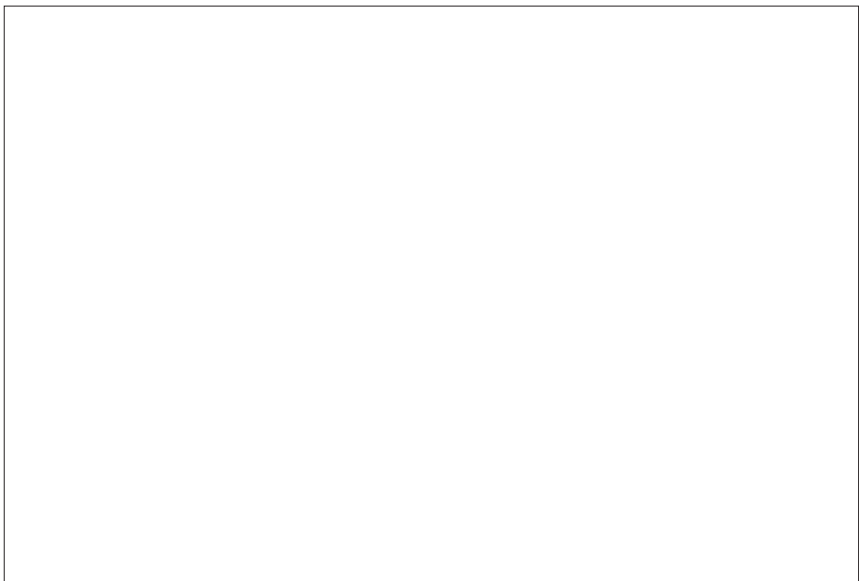
Vietnamese living on Tonle Sap Lake, Cambodia.

DAVID STEWART-SMITH



Cham boys, near Phnom Penh, Cambodia.

MARC SCHLOSSMAN



Cham schoolchildren in Kratie Province, Cambodia.

DAVID STEWART-SMITH

between Vietnam and Cambodia remained in dispute. Both sides claimed parts of the Mekong Delta that contained both Vietnamese and Cambodian populations. After the Second World War, when the French were attempting to rebuild their rule in Indochina, they established the Cambodian-Vietnamese border in Vietnam's favour. This left a substantial number of Cambodians now living in Vietnam. It is from this Khmer population in Kampuchea Krom that many of the present day ultra-nationalist Cambodian leaders come. To these people, both left- and right-wing, Kampuchea Krom in general, and their native villages (and their families' property) in particular, were lost to an expansionist Vietnam, not centuries or generations ago, but in their lifetime.

This is the background to the Cambodian fear and hatred of the Vietnamese. Nowhere in Cambodia do the Vietnamese form an outright provincial majority. In the areas of heaviest concentration there is little hint that their numbers pose a potentially explosive situation. Yet the presence of the Vietnamese has been, and is now being, exploited politically.

As we have seen, even before the French came to Indochina, the Vietnamese had begun moving into Cambodia. In the last quarter of the nineteenth century, they migrated to Cambodia in a steady stream and came to dominate the more fertile agricultural lands along the river banks from Phnom Penh to Stung Treng and from Batambang to Chaudoc, incurring the (usually passive) resentment of the Khmer peasants.

By establishing a protectorate over Cambodia in 1863, the French halted Vietnamese military *aggrandisement* but provided protective legal cover and economic incentive for large scale Vietnamese movement into Cambodia. This policy was designed to fill the ranks of a newly-created French colonial service and to secure a reliable labour force for the French-owned and operated rubber plantations. It is therefore natural that the numbers of Vietnamese migrating to Cambodia over the period rose considerably. By the time of the 1970 coup against Sihanouk which brought Lon Nol to power, the number of Vietnamese in the country was thought by some to be more than 500,000, although other estimates suggest 300,000.⁵⁴

This migration occasionally led to the displacement of the indigenous Khmer who moved out as larger numbers of Vietnamese settled in those areas. One more interesting aspect of the Vietnamese settlement in Cambodia is that even though many of them have lived in the country for generations and sometimes married with Cambodians, they have not been integrated into Khmer society and have maintained their own identity. The fact that the Vietnamese were seen as historical poachers on Cambodian soil, and the lack of assimilation of the Vietnamese with the Khmer, has acted as a major hurdle to the Khmer acceptance of the Vietnamese as part of their national community. Despite generations of Vietnamese settlement in Cambodia, they are still treated by the Khmer as aliens. This is in sharp contrast to the Khmer' attitude to the Chinese who have dominated and continue to dominate the economic life of the country.

Prince Sihanouk does not seem to have ever subscribed to the xenophobic hatred of the Vietnamese that charac-

terized the right- and left-wing regimes that succeeded him. Sihanouk's primary concern was preserving Cambodia's shaky neutrality lest Cambodia become engulfed in the US-Vietnam war, and securing Hanoi's recognition of Cambodia's then existing borders. However, even during his rule, the presence of Vietnamese residents in Cambodia was a contentious issue, and presented the same problem that would confront the new Cambodian government in 1993. As noted by Willmott:

*'Anti-Vietnamese sentiments found expression at the 15th National Congress held July 1-2, 1963, when two questions on the agenda dealt with the naturalization of aliens. The Congress voted unanimously to recommend that naturalization be refused in principle to all Vietnamese because they were unassimilable. The Congress also recommended that a committee of inquiry be established with powers to revoke the citizenship of any naturalized aliens who did not "respect our traditions" ... Even before this, Vietnamese girls in government technical schools sometimes felt it necessary to abandon their distinctive Annamese dress and hat in favour of less identifiable costume.'*⁵⁵

During the late 1960s, as the US-Vietnam war intensified, the North Vietnamese and their South Vietnamese-based 'Vietcong' allies utilized Cambodian territory for well-developed base camp sanctuaries and the famous 'Ho Chi Minh trail' personnel and arms supply lines. While Sihanouk tried to maintain his 'neutrality' balancing act, Vietnamese encroachments became a heated issue in Cambodian domestic politics, as the Khmer lost effective control over a swathe of Cambodian territory. Sihanouk had extracted North Vietnamese recognition of Cambodia's existing borders. But some Khmer, on the left and right, feared that these Vietnamese would not go home.

Persecutions and expulsions under the Lon Nol and Pol Pot regimes

Sihanouk's army leader, Lon Nol subscribed to a mystical but virulent Khmer nationalism. He came to power following a coup in March 1970, changing Cambodia's name to the 'Khmer Republic'. Moreover, he and his associates ordered North Vietnamese and Vietcong troops out of their Cambodian sanctuaries and launched a murderous campaign against the Vietnamese community in central Cambodia, mostly around Phnom Penh and its environs. Lon Nol's evacuation order of 1970 had scant effect on the Vietnamese military forces in their Cambodian sanctuaries. However, Lon Nol's massacres left thousands of ethnic Vietnamese dead, and roughly 200,000 ethnic Vietnamese civilians were forcibly repatriated to South Vietnam.

The US-South Vietnamese invasion of Cambodia in April 1970, had the effect of pushing the North Vietnamese regulars out of the border sanctuaries deeper into Cambodia's heartland, where they assumed effective

control of entire provinces. It was these Vietnamese troops who defeated Lon Nol's Cambodian army at battles known as Chenla I and Chenla II. The Vietnamese then turned over large sections of Cambodian territory to their shadowy Cambodian communist allies, whom Sihanouk had earlier dubbed the 'Khmer Rouge.'

Lon Nol's primary domestic opponents in the 1970-5 Cambodian civil war were ultra-radical communist revolutionaries not mystical reactionaries. But the Khmer Rouge were no less anti-Vietnamese, even though they had been allied with Vietnam in the war against the United States. Indeed, Pol Pot, the then clandestine Khmer Rouge leader, saw himself as the 'Original Khmer' who personally wrested the Communist Party of Cambodia away from the control of the Vietnamese communists who had originally implanted Marxist-Leninism on Cambodian soil, via the ethnic Vietnamese residing in Cambodia. Initially, the Cambodian communist movement had been, along with its Lao counterpart, an integral, subordinated component of the Vietnamese-founded and led Indochina Communist Party, which at one point had advocated an 'Indochina Federation' consisting of Vietnam, Laos and Cambodia. In 1954, at the end of the First Indochina War (against the French), when Vietnam withdrew its forces from Cambodia, they evacuated a sizeable proportion of the Khmer communist leadership to Hanoi for training, indoctrination and safe-keeping. This evacuation subsequently enabled a group of elite overseas Cambodian students who had been inducted into the communist movement by the French Communist Party, not the Vietnamese, to assume leadership of the tiny, struggling radical leftist movement that remained inside Cambodia.

Thus even as the Khmer Rouge were allied with the North Vietnamese in the war against the United States, the Khmer Rouge cadre were fighting a war within a war for control of the Cambodian communist movement. Within the intra-revolutionary struggle, Khmer Rouge forces local to Pol Pot pushed aside or liquidated the Vietnamese-sheltered and trained Cambodian communists who returned to Cambodia from Hanoi to join the common struggle against the US-backed Lon Nol regime. Pol Pot, and the Khmer Rouge leadership loyal to him, would thereafter continue to portray any Vietnamese-supported faction within the Cambodian Communist Party, as one of Hanoi's instruments, along with Vietnamese military units and ethnic Vietnamese settlers, to subvert Cambodia's sovereignty.

When the Khmer Rouge came to power in April 1975, perhaps as many as 150,000 Vietnamese who had not fled or been expelled from Cambodia during the Lon Nol years were expelled to Vietnam. Those Vietnamese who remained in Cambodia, many because they were married to Cambodians, were massacred, often along with the children of mixed Khmer-Vietnamese families. The Khmer Rouge prohibition against all non-Khmer ethnic minorities was rigorously applied to ethnic Vietnamese. While the preferred means of eliminating ethnic Vietnamese from the Cambodian body politic was expulsion, the killings of those who remained, and even the children of mixed marriages, most likely constitutes an act of genocide under international law. The Khmer Rouge certainly intended, and succeeded in eliminating from

within, Cambodia, all ethnic Vietnamese 'as such'.

For reasons that are still unclear, but insanely counter-productive, Pol Pot soon directed his troops in Cambodia's eastern provinces to attack Vietnam, in the name of recapturing Kampuchea Krom. While provoking Vietnam, predictably enough, these attacks failed to recapture 'southern Cambodia', a failure that Pol Pot and his closest cohorts deemed treasonous. Thereafter, Khmer Rouge forces loyal to Pol Pot conducted a murderous purge of these unsuccessful, presumably traitorous Khmer Rouge cadre, who were castigated as having 'Khmer bodies with Vietnamese minds'.

A remnant of the Khmer Rouge cadre from the eastern provinces, who had earlier unsuccessfully attacked Vietnam, now sought shelter in Vietnam to escape Pol Pot's murderous party purges of 1978. It was this 'Eastern Zone' Khmer Rouge rump group (along with a nominal Cambodian Communist Party leader who had been living in Hanoi since the mid-1950s and had not returned to Cambodia in 1970) that the Vietnamese installed in power in Phnom Penh, after the December 1978 Vietnamese invasion that ousted Pol Pot from power and drove the Khmer Rouge into exile in Thailand.

With the protection of the Vietnamese army, which remained in Cambodia until 1989, this group, then renamed the Peoples Revolutionary Party of Kampuchea (PRPK), governed Cambodia. It then renamed Cambodia the Peoples Republic of Kampuchea (PRK),⁵⁶ initially with the assistance of numerous Vietnamese advisors, until the advent of the 1991 UN peace plan for Cambodia and the arrival of UNTAC, the UN Transitional Authority for Cambodia.

PRK/SOC policy towards Vietnamese residents in Cambodia

It was during the time of the PRK/SOC⁵⁷ that the issue of ethnic Vietnamese and Vietnamese nationals in Cambodia assumed its contemporary dimensions. For that reason, PRK/SOC policy toward the Vietnamese in Cambodia merits particular attention.

Officially, a 1982 directive of the PRK council of ministers established three categories of Vietnamese residents in Cambodia: former long term residents who have returned, Vietnamese people who came to Cambodia after 1979 and those who wished to come to Cambodia after the 1982 policy directive. According to a government bulletin published by the ministry of foreign affairs entitled *Policy of the People's Republic of Kampuchea with Regard to Vietnamese Residents* in 1983, article 1 of the policy directive stated:

With regard to former Vietnamese residents in Kampuchea who were the victims of pogroms and massacres under the former regimes and who, thanks to popular protection were able to survive or escape to Vietnam and who have now returned to Kampuchea, the local authorities and populations shall give them assistance and create conditions for

them to quickly settle down to a normal life.’⁵⁸

Accordingly, the PRK seemed to accept those Vietnamese who lived in the country prior to 1970 as part of the population and instructed the populace and local officials to help these Vietnamese settle down to a ‘normal life’.

As to the second category, according to the directive:

‘With regard to Vietnamese people who have come to Kampuchea since liberation and are engaged in occupations which contribute to the rehabilitation and development of the economy such as farming, fishing, salt-making, handicrafts ... and who maintain good relations with the people, the local authorities shall create conditions for them to stay in the country and work’.

In other words, for those Vietnamese who moved to the country after 1978, the directive states that they would be allowed to stay and work. However, it says nothing about their settling down to a normal life as with the first category.

The directive makes a further category of people:

‘With regard to Vietnamese people who with the assistance of friends or relatives wish to move to Kampuchea to live and work or to be reunited with their families, they shall have to request authorization from the competent Kampuchean and Vietnamese organs.’ (Article 4).

In other words, Vietnamese who want to come to Cambodia in the future will have to undergo emigration and immigration formalities. Article 6 of the directive refers to the strengthening of control, supervision of points of entry and strict prohibition of illegal border crossings. To this end, a protocol governing border crossing by people living on either side of the two countries was also signed between the People’s Republic of Kampuchea and the Socialist Republic of Vietnam on 20 July 1983.

Several aspects of this official policy are worthy of note. First, the directive seems to accept the formal framework of ‘old society’ Cambodia. While making distinctions between various types of Vietnamese in the country, nowhere does the directive refer to the Vietnamese as ethnic minority citizens, but as foreign residents.

Second, whatever the Cambodian intention to control immigration from that point on, the PRK/SOC never achieved effective control of its borders. Furthermore, few incoming Vietnamese bothered with the formalities of visas or working papers, although it seems many were able to acquire some form of Cambodian identity papers.

The PRK/SOC foreign ministry policy statement assumes that the number of Vietnamese who returned to their former residence in Cambodia by mid-1983 was 56,000: ‘Barely 10 per cent of the number of Vietnamese residents living in Kampuchea in days prior to Lon Nol-instigated massacres and Pol Pot’s genocide’. Whether or not this was an accurate number of the Vietnamese in Cambodia in 1983, (exclusive of the presence of roughly 150-200,000 Vietnamese military troops), an unknown but much larger number of Vietnamese would emigrate to Cambodia during the decade of the 1980s.

These were, after all, the final years of the Vietnamese

‘boat people’ crises when hundreds of thousands of Vietnamese were fleeing repressive Vietnamese political orthodoxy and a grinding, impoverished austerity resulting from Vietnamese government policy and the international isolation and economic boycott instituted in response to the Vietnamese occupation of Cambodia. Scores of thousands of Vietnamese still set sail for Thailand, Malaysia and Indonesia, in the hope of third-country resettlement in the West. Other Vietnamese fled to Cambodia. Both food and work opportunities were much more plentiful in Cambodia than in Vietnam during the 1980s, and thousands of Vietnamese fishing workers, rice farmers, artisans, and petty traders sought to make their living in Cambodia. These were also the years of Vietnamese ‘foot persons’ who crossed Cambodia hoping to make it to the Vietnamese satellite camps adjacent to the huge Cambodian refugee camps in Thailand.

Certain categories of Vietnamese migration to Cambodia, particularly artisans and construction workers, accelerated following Cambodian economic liberalization and privatization policies of the late 1980s. This acceleration would continue as the improved prospects for peace, private investment from the growth economies of South East Asia, and the arrival of the UN approached in 1990 and 1991. Meanwhile, whatever the real numbers, in 1989 the issue of Vietnamese immigration into Cambodia burst with a vengeance onto the Cambodian and international political scene.

The contemporary politicization of the ‘Vietnamese settlers’ issue

The presence of Vietnamese nationals in Cambodia became a highly contentious issue at the 1989 Paris peace conference – an unsuccessful attempt involving the four Cambodian political factions and 20 countries to conclude a negotiated settlement to the conflict in and over Cambodia. The conflict broke down over the inability of the four Cambodian factions to find an interim power-sharing formula. This power-sharing was to proceed to internationally supervised elections to bring about a new unified Cambodian government that would be accepted by all member states of the international community. But during the month-long August peace conference, the Khmer Rouge charged repeatedly and vociferously that there were 2 or 3 million ‘Vietnamese settlers’ in Cambodia – a vast exaggeration of the number of Vietnamese civilians then residing in Cambodia. The Khmer Rouge stated, sometimes with the support of their non-communist partners in the exiled but UN-recognized ‘Coalition Government of Democratic Kampuchea’ (CGDK), that these Vietnamese had been brought into Cambodia by the Vietnamese ‘puppet regime’ (the PRK/SOC) as part of Hanoi’s plot to take over and ‘Vietnamize’ Cambodia. The Khmer Rouge demanded the removal of the Vietnamese settlers as part of a ‘comprehensive political solution’ to the conflict in and over Cambodia.

It had been the dominating presence in Cambodia of a large Vietnamese military force, not Vietnamese civilians, that was the primary concern of Cambodia's neighbouring states and the international community. The Paris peace conference had only been possible because of Vietnam's stated intention to withdraw its armed forces from Cambodia. A primary purpose of the Paris conference was to enable the Vietnamese military withdrawal to take place as part of a 'comprehensive solution' that would preclude the continuation of a regionally destabilizing Cambodian civil war.

Following the failure of the 1989 Paris conference, Vietnam went ahead with a unilateral withdrawal. This took place without the benefit of UN or other international inter-governmental observers to certify that the withdrawal of Vietnamese military units had, in fact, taken place.⁵⁹ Nonetheless, most of the UN member states involved subsequently recognized that the Vietnamese military occupation of Cambodia had ended. The CGDK Cambodian political parties, however, did not. They charged that the Vietnamese troops never left Cambodia, but merely discarded their uniforms and melted into the 'Vietnamese settler' communities. These charges would continue, and grow even more heated, over the years.

Negotiations to avoid a full scale Cambodian civil war continued into 1990 and 1991, largely under the leadership of the five permanent members of the UN Security Council. Over some 18 months, the outline of what became the UN peace plan for Cambodia took shape. One of the highlights of that plan was the creation of UNTAC. This body had a variety of tasks. Two functions, however, brought the UN into the middle of Cambodia's ethnic minority/foreign residents politics: first, the UN guarantee of the removal and non-return of all categories of foreign forces, and second, the organization and conduct of an election that would enable the Cambodian people to determine their own government.

Meanwhile, the prospect of peace and the projected arrival of 20,000 UN personnel, with additional hundreds, if not thousands, of other foreigners, prompted an enormous building and construction boom which brought with it a huge influx of new, and often highly visible, Vietnamese immigrants: construction workers, bricklayers, electricians, plumbers, plasterers, painters, cabinet and furniture makers, barbers, beauticians, tailors, petty traders and sex workers. This influx, when added to the long term former Vietnamese residents who had returned to Cambodia after the 1979 ousting of Pol Pot, and the Vietnamese farmers, fishing and transport workers who had migrated into Cambodia during the decade of the 1980s, gave an aura of plausibility, at least to some highly vocal political élites, that Cambodia was now engulfed by Vietnamese 'settlers'.

The UNTAC era

The Cambodian peace treaty stipulated that:

Immediately upon entry into force of this Agreement, any foreign forces, advisors, and military

*personnel remaining in Cambodia, together with their weapons, ammunition and equipment, shall be withdrawn from Cambodia and not be returned. Such withdrawal and non-return will be subject to UNTAC verification in accordance with Annexe 2.*⁶⁰

Annexe 1 gave UNTAC the mandate of:

*Verification of the withdrawal from Cambodia of all categories of foreign forces, advisors and military personnel, and the weapons, ammunition and equipment, and their non-return to Cambodia.*⁶¹

UN member state signatories to the Cambodian peace treaty, and UNTAC officials, took the terms 'foreign forces, advisors and military personnel' to mean the main force or other military or police units that had for a decade been the main focus of UN General Assembly concern on Vietnamese-occupied Cambodia. The Khmer Rouge, frequently with the concurrence of their KPNLF and FUNCINPEC allies, interpreted 'foreign forces' to include virtually all ethnic Vietnamese and Vietnamese nationals – practically all of whom were regarded as political agents of Hanoi.

The radio and press organs, particularly of the PDK (Khmer Rouge) and KPNLF, launched vitriolic attacks on the Vietnamese in Cambodia and incited Cambodians to support the full scale removal and/or expulsion of Vietnamese from Cambodia. Many of these broadcasts incited racial hatred and included thinly veiled incitements to racial violence, which clearly violated provisions of the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination – international human rights treaties that Cambodia had acceded to.

UNTAC was mandated under the peace treaty to monitor and 'control' the Cambodian media, and the UN made a series of protests to the PDK and the KPNLF. The latter moderated its rhetoric to some extent, although KPNLF leaders continued to demand Vietnam recall its citizens. The KPNLF also called on the UN to round up Vietnamese nationals into refugee camps prior to their repatriation to Vietnam. UNTAC protests had virtually no impact on the Khmer Rouge who were progressively withdrawing cooperation with the UN. Indeed, the Khmer Rouge accused the UN of supporting the Vietnamese 'domination' of Cambodia, and soon started referring to UNTAC as 'Yountac' ('Youn' is a commonly used Cambodian colloquial translation for Vietnam, that frequently has pejorative and sometimes racist connotations.)

As noted above, the PDK, KPNLF and FUNCINPEC leaders claimed that Vietnamese civilians were soldiers who had merely taken off their uniforms, and that UNTAC was not fulfilling its mandated responsibility to ensure the withdrawal of 'foreign forces.' These three parties pressed UNTAC into creating mobile 'strategic investigation teams' to comb the Cambodian countryside in search of remaining Vietnamese military personnel. These searches yielded just three cases, where former Vietnamese soldiers had married Cambodian women and were now living in Cambodia with their Cambodian wives and families. (Almost surely there were more cases, although common state practice would give such persons a strong claim for

residence if not also citizenship.) Predictably, Vietnam refused to accept the return of these former soldiers.

Political violence against the Vietnamese in Cambodia

The primary tactic in the Khmer Rouge effort to drive all Vietnamese out of Cambodia was a systematic campaign of kidnappings and political assassinations targeting remote Vietnamese communities – usually isolated Vietnamese fishing villages in or around the Tonle Sap Lake. (Of all the different circumstances of ethnic Vietnamese and Vietnamese nationals in Cambodia, these floating fishing villagers have the strongest claim to residence and citizenship, and the full protection of the Cambodian authorities.)

According to the final report of the UNTAC human rights component, from July 1992 to August 1993, 116 ethnic Vietnamese were killed and another 87 injured. A further 11 ethnic Vietnamese were ‘abducted by the NADK [National Army of Democratic Kampuchea, the formal name for the Khmer Rouge armed forces] and their whereabouts remain unknown’.⁶²

These killings were well publicized at the time by international human rights NGOs.⁶³ They are summarized in a 1993 report by Asia Watch:

‘On July 29, 1992 Khmer Rouge troops reportedly attacked the village of Tuk Meas, located near the Vietnamese border in Maneay Meas district, Kampot province. Eight ethnic Vietnamese were killed, including a week-old baby, and a three-year-old boy was injured.

‘On October 3, 1992 Khmer Rouge soldiers abducted 14 fishermen and killed at least 11 of them in Chamkaleu village, Koh Kong province. The Khmer Rouge had visited the village four days earlier to ask locals for their cooperation in fighting the Vietnamese before the abduction. Twelve of those taken were ethnic Vietnamese, and the Khmer Rouge soldiers later heard boasting they had killed all of 14.

‘After setting out on September 26, 1993 from their village of Chhnok Trou, Kompong Chhnang province, eight Vietnamese were abducted by Khmer Rouge troops on the Tonle Sap Lake at Prek Kloh, about 40 kilometres away. The local Khmer Rouge commander initially admitted he had custody of the men and was awaiting instructions from headquarters in Pailin. He later denied the kidnapping, and claimed to know nothing about the men, whose whereabouts remain unknown.

‘On December 17, the bodies of three ethnic Vietnamese were found bound together in the Mekong River near Stung Treng. Their throats had been cut ...

‘On December 27, two dozen Khmer Rouge troops attacked Phum Taches, a fishing village in Kompong Tralach district of Kompong Chhnang province. The soldiers fired B-40 rocket-propelled grenades into houses and opened fire with AK 47’s

on people escaping to the river bank. Thirteen ethnic Vietnamese were killed, four of them children, as well as two ethnic Khmer. Approximately 13 others were injured ...

‘On March 10, 1993, approximately 40 gunmen slaughtered at least 35 persons, including eight children in an attack on Chong Knevas, a floating village in Siem Riep province. At least 25 others were injured. Villagers accused the Khmer Rouge of the attack. Many persons had apparently died as they were trying to swim to safety, and peace keepers found children who had their hands blown off or who had been shot in the head ...

‘On March 25, 1993 eight persons were killed in an attack on a fishing village in Kampong Chhnang prines. Three children were shot at very close range; one woman was speared to death, and a man clubbed to death with an axe.

‘On March 29, 1993 two persons were killed and 23 injured in a coordinated series of four grenade attacks on businesses run by ethnic Vietnamese in Phnom Penh ...

‘On March 31, 1993 as Vietnamese fled on their houseboats down the Tonle Sap, a little girl was shot in the abdomen by an unknown attacker in Kompong Chhnang province, on the same side of the shore as the March 25 attack that killed eight.

‘Khmer Rouge radio broadcast a report that on April 17, inhabitants of Chroy Takeo village in Chroy Takeo commune in Kaoh Thom district, Kandal province killed six ethnic Vietnamese at a pond near the villages ... The broadcast went on to say that “the people’s revolt against the Yuon is now widespread and occurs in the form of small or large scale movements or gatherings of 200 to many thousands of people attacking Yuon villagers, or Yuon floating houses. Grenade attacks, shootings and slashings of the Youn are now increasing”.⁶⁴

As noted in the 24 February, 1994 report of the UN Special Representative for human rights:

‘As a background to these kidnappings and murders, the PDK radio constantly broadcasts messages of ethnic hatred and incitement to violence against ethnic Vietnamese. These broadcasts call on Cambodians to purge, through violent means, all Vietnamese from Cambodia.’⁶⁵

However, it should also be noted, that while there were anti-Vietnamese incidents where the perpetrator has not been confirmed, UNTAC investigations found that almost all of the anti-Vietnamese abductions and killings were perpetrated by Khmer Rouge soldiers – not the general Cambodian public as proclaimed, and incited, by Khmer Rouge radio.

Technically, under the terms of the Cambodian peace treaty, the local Cambodian administration and authorities, i.e. for the cases above, and the State of Cambodia, were to provide police protection for such residents. However, the SOC was itself under attack from opposition parties who claimed it was a ‘Vietnamese puppet regime’. The SOC authorities were unwilling, and perhaps in some

circumstances unable, to provide protection to ethnic Vietnamese, and reportedly informed UN officials that its police and military units would not take responsibility for protecting Vietnamese in Cambodia. (The SOC, however, unlike the KPNLF or FUNCINPEC, was finally persuaded to condemn the physical violence against the Vietnamese in Cambodia.)

These physical attacks on the Vietnamese had the desired effect. While the Cambodian population did not strike out against Vietnamese communities, the Khmer Rouge killings 'prompted a mass exodus of ethnic Vietnamese from Cambodia'.⁶⁶ A total of approximately 30,000 Vietnamese, from the fishing community, strapped their boats to one another in large convoys. Under UNTAC escort, the huge flotillas made their way from the Tonle Sap, down the Mekong and Bassac rivers to the Vietnam border where the Vietnamese government refused to accept them. The remnants of this group, those unable to bribe their way back into Cambodia, remain stranded at the border living off of food provided by UN agencies.

Deliberate executions of ethnic Vietnamese in Cambodia continued into the post-UNTAC period. Twenty Vietnamese were reported to have been killed in Cambodia in the last six months of 1994 (although the identity of the perpetrators is not known in all cases).⁶⁷

Who should vote?

Because the warring Cambodian political parties could not agree in 1989 on the composition of an 'interim coalition government' that would conduct an internationally supervised election, the UN itself was mandated by the 1991 Cambodian peace treaty to organize and conduct the Cambodian election. Indeed, this election became the remaining centrepiece of the UN peace plan after Khmer Rouge non-cooperation with the UN had rendered UNTAC incapable of implementing its mandate to disarm and demobilize the warring Cambodian armies.

Regarding the election, the Cambodian peace accords had stipulated that:

*Every person who has reached the age of eighteen at the time of application to register, or who turns eighteen during the registration period, and who either was born in Cambodia or is the child of a person born in Cambodia, will be eligible to vote in the election.*⁶⁸

At the time when the peace treaty was being negotiated, (several years earlier), the four Cambodian political parties involved had not objected to this franchise provision. However, when UNTAC elaborated these principles into voter registration and election codes, all of the Cambodian parties realized that a franchise provision based on age and place of birth was at considerable variance with the Cambodian 'old society' franchise based essentially on ethnicity, or degree of assimilation into 'Khmer' culture. (As noted above, the Sihanouk era franchise had been extended to ethnic Khmer, the Cambodian hill tribespeople, i.e. Khmer Leou, and the Cham, i.e. Khmer Islam, but not to Chinese or Vietnamese, who were regarded as 'foreign residents'.)

The UNTAC franchise approach had the quirky effect of disenfranchising two members of the Cambodian Supreme National Council because they were born in what Cambodians regarded as Kampuchea Krom, i.e. 'lower Cambodia', but who now, in effect, were recognized by UNTAC as Vietnamese nationals of Cambodian descent. More serious, however, was the perceived effect of extending voting rights to Vietnamese and Chinese residents of Cambodia.

The Cambodian political parties feared that a residency based franchise would extend citizenship rights not only to the ethnic Vietnamese who had previously resided in Cambodia as non-voting foreign residents, but also to the Vietnamese nationals who had migrated to Cambodia during the 1980s and early 1990s. They also feared it would exclude the large numbers of Cambodian refugees who had fled to Europe, North America or Australia to escape the Khmer Rouge genocide or Vietnamese occupation, as well as excluding ethnic Khmer born in territory which the French ceded to Vietnam after the Second World War but who, in the immediate post-independence period had easy access to Cambodian citizenship.

The UN made minor adjustments in the election procedures to deal with these issues after strong protest by all the Cambodian political parties. But this debate both highlighted and clouded (still unresolved) approaches to the issues of citizenship for the new government following these elections.

Ethnic policies under the new Cambodian government

Attacks on ethnic Vietnamese in Cambodia continued after the election. According to the UN Special Representative:

*In July and August [1993], NADK attacks claimed the lives of at least 18 ethnic Vietnamese in Kampong Chhnang province. Six more were reported to have been kidnapped and murdered by Khmer Rouge in November and December.*⁶⁹

In late April 1994 five indigenous Cambodian human rights NGOs denounced the massacres of ethnic Vietnamese in Kandal province. According to their report:

*On the night 9 April approximately ten persons entered the ethnic Vietnamese village of Piem So, Trouy Salar district, Kandal province, and began randomly shooting hand grenades. When the killing stopped, 13 people were dead – nine of them children – and 25 were wounded, all of them ethnic Vietnamese.*⁷⁰

According to an Amnesty International report, in early September 1994, four ethnic Vietnamese (and two Khmer) were killed in a houseboat village of Prek Dam commune, Ponhea Lu district, Kandal province when men dressed in both Khmer Rouge uniforms and the uniforms of the Royal Cambodian Armed Forces came to the village at night looking for ethnic Vietnamese.⁷¹ Apparently, no one has been arrested or brought to justice by the new Cambodian government for these killings.

Also, by the end of 1994 approximately 5,000 ethnic Vietnamese from the flotilla of boats that fled Khmer Rouge violence on the Tonle Sap Lake in 1993, still remain trapped on the Vietnam-Cambodia border.

However, the main focus of concern regarding ethnic minorities following the UN election was the formal policy positions of the new government that emerged from the first democratic election in Cambodia for more than 20 years.

Under the provisions of the Cambodian peace plan, the UN-conducted elections would result in a constituent assembly whose main item of business was to draft a constitution for a new Cambodian government. Once the constitution was adopted by the constituent assembly, the new internationally recognized, sovereign government of Cambodia would come into existence, and the constituent assembly would automatically convert to being the national assembly of that new government.

Minorities and the new Cambodian constitution

Article 31 of the September 1993 constitution states that:

*The Kingdom of Cambodia shall recognize and respect human rights as defined in the United Nations Charter, the Universal Declaration of Human Rights and all treaties and conventions concerning human rights, women's rights and children's rights.*⁷²

However, UN officials and international human rights organizations have noted with considerable concern the way this general rights provision is then applied. In some parts of the constitution the Khmer word for 'all people' is utilized. In other places, however, the Khmer word for 'Khmer people' or 'Khmer citizens' is used. For example, the next paragraph of article 31 goes on to assert that:

Khmer citizens shall be equal before the law and shall enjoy the same rights, freedom and duties, regardless of their race, colour, sex, language, beliefs, religion, political tendencies, birth origin, social status, resources or any other position.

Amnesty International has expressed the concern that:

*'Ambiguities exist in the wording of this and other articles of the constitution which could be used by the organs of the state to exclude sectors of the population from full enjoyment of fundamental rights and freedoms.'*⁷²

UN officials also formally noted this problem, and pointed out its incompatibility with the approach of the International Covenant on Civil and Political Rights, one of the major human rights treaties to which Cambodia has acceded to, and which is referred to in the very same article 31 of the Cambodian constitution. In the words of the UN Special Representative: 'There are serious deficiencies in the Constitution. The most important is that the human rights guarantees are provided only to "Khmer citizens".'⁷³

That UN report continues:

For example, article 32 of the Constitution states that "every Khmer citizen shall have the right to life, personal freedom and security". This and many other articles are similarly worded. This formulation excludes many Cambodians, such as non-citizens

and visitors, who do not qualify as Khmer citizens, from the ambit of the Constitution. In the absence of a clear law on citizenship and nationality, this may also result in the exclusion of ethnic groups who are not Khmer from constitutional protection. This is contrary to article 2 of the International Covenant on Civil and Political Rights, to which Cambodia is a party. It states, in paragraph 1:

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

*In the historical context of the relationship between ethnic groups in Cambodia, the provisions of the Constitution relating to human rights as they are presently worded may give rise to the risk that they could be used to justify discrimination against non-Khmer ethnic groups, such as Cambodians of Vietnamese or other non-Khmer origin.*⁷⁴

It appears that the members of the constituent assembly were basing their deliberations on the ‘old society’ (1954-70) precedent of considering Chinese and Vietnamese as foreign residents, not citizens of the Cambodian state. Indeed, as noted in the Amnesty International report on the new constitution:

*In a debate on the Constitution in the National Assembly, the definition of “Khmer citizens” was discussed by the representatives. It was agreed that the term included some of Cambodia’s ethnic minorities, such as the hill tribe people, known as “Khmer Leou” and the Muslim Cham population, the “Khmer Islam”. However, according to the reports of the debate, representatives agreed that people of ethnic Vietnamese origin were not included in the definition. One member of the assembly reportedly said “It doesn’t include Vietnamese. Vietnamese are foreigners.”*⁷⁵

Admittedly, at the time when the constituent assembly members were gathering to draft Cambodia’s first democratic (multi-party) constitution in 20 years, their primary concerns were the political structure of the new government they were constructing, the relationships and distribution of power between the three political parties the Cambodian voters had installed, questions relating to the reinstatement of the Cambodian monarchy (i.e. the role of Prince Sihanouk), and so on. Cambodian legislators asserted that this was not the moment for a full consideration of citizenship policies.

Indeed, on many important points, the constitution was left unspecified, except for the notation ‘as defined by law’ in order to allow the assembly to return to these areas through the drafting of the basic or organic laws necessary to implement the new constitutional order. Thus the minority issue would be taken up more fully when the assembly drafted the laws on citizenship and immigration policies.

The immigration dispute

However, for whatever reasons, the assembly decided to take up immigration law before tackling the more fundamental issue of citizenship. The draft of the immigration law, which allows for the deportation and expulsion of aliens without defining nationality, initially presented to the national assembly provoked a storm of protest from local and international NGOs, from Vietnam, from the UNHCR, and even from UN Secretary General Boutros Boutros Ghali.

The local NGOs principal concerns with the bill were twofold: in the absence of citizenship laws, ethnic groups could be classified as aliens even though they have lived in Cambodia for many generations, and there were not adequate provisions for fair hearings prior to deportations.⁷⁶ The UNHCR criticized the draft law for allowing the confiscation of identity cards of aliens and their subsequent expulsion within seven days, fearing that this might have immediate implications for the ethnic Vietnamese still stranded at Chrey Thom on the Cambodian border. Boutros Ghali asked the Cambodian government to undertake immediate negotiations with Vietnam on the immigration law.

Khmer Rouge radio was still protesting the ‘4 million Vietnamese sent into Cambodia to take over the districts and villages’, and the national assembly passed the immigration bill without any major changes regarding the concerns which had been raised, although the bill has not yet been signed into law.⁷⁷ And, First Prime Minister Norodom Ranariddh informed Secretary General Boutros Ghali that there would be no mass rounding up or expulsion of foreigners.

Conclusion

As noted at the beginning of this report, many Cambodians think, as they have thought for centuries, of Cambodia as ‘srok Khmer’, the land of the Khmer: a people, culture and distinct way of life that once was the jewel of South East Asia, but now, in the minds of many Khmer, is threatened with extinction. In the early post-independence (from France) period, the extent of Cambodian citizenship included the Khmer, the Khmer Loeu hill tribes, and the Khmer Islam Cham – the ethnic majority and ethnic minorities that had been present in Cambodia for centuries.

The mantle of citizenship was not extended to comparatively more recent arrivals in Cambodia, i.e. ethnic Chinese and ethnic Vietnamese who were both considered to be foreign residents. Initially, Cambodian approaches to the legal status of ethnic Chinese were muddled by China’s insistence that overseas Chinese remained Chinese citizens and subject to the concern and protection of the government of China wherever they resided. Only more recently did the Chinese government adopt the position that overseas Chinese in South East Asia should become citizens of the country in which they reside. Cambodia’s approach to ethnic Vietnamese had long been clouded by Khmer perceptions of ethnic Vietnamese, which was that unlike the Chinese the Vietnamese could not be assimilated into Khmer culture. This view was additionally tainted by association with Vietnamese encroachments on, and occupations of, Cambodia during the nineteenth century and with French rule over Cambodia in the late nineteenth and early twentieth centuries. Cambodia’s approach to ethnic Vietnamese communities within Cambodia was drastically exacerbated by the influx of Vietnamese nationals throughout the 1980s when Cambodia was occupied by Vietnam, and then by the additional migration of Vietnamese artisans, tradespeople and service sector personnel drawn into Cambodia by the economic and construction boom of the 1990s.

Avoiding the issue

The newly elected Cambodian constituent assembly basically avoided the citizenship issue of which ethnic minorities were entitled to full citizen rights when drafting Cambodia’s new constitution. But the language of the constitution has raised concerns about narrow, ethnicity-based constrictions on potential citizenship that harken back to the practice of the immediate post-independence period. The newly formed Cambodian national assembly also dodged the issue of citizenship when drafting an immigration law, while alarming sectors of the international community by including measures that could potentially deny rights set by international norms to be available to all residents, citizen and non-citizen alike.

The political reasons for delay in tackling the issue of Cambodian citizenship are not hard to discern. The Khmer Rouge, having dropped out of the UN peace plan and having survived military attacks by the new Cambodian government, remain in enclaves along the Thai-Cambodia border. Khmer Rouge propaganda organs continue to spew forth racist and other abusive tirades against ethnic Vietnamese and Vietnamese nationals in Cambodia, insisting that 4 million Vietnamese settlers in Cambodia are political agents of Hanoi and must be expelled, and that the new Cambodian government is still a puppet regime dominated by Vietnam. The Khmer Rouge have demonstrated the will, and apparently the continuing ability, to stage guerrilla attacks against isolated Vietnamese communities in Cambodia in their attempt to drive ethnic Vietnamese out of Cambodia and continue Democratic Kampuchea’s absurd pose as saviour of the Cambodian nation. A small, conservative, ultra-nationalist Cambodian political party that is part of the new coalition government denounces racist violence but periodically calls for the repatriation of Vietnamese from Cambodia. It would seem that, at best, Cambodian political leaders from the larger, more moderate (on this issue) parties in the national assembly are reluctant to take actions that would expose themselves to charges of being insufficiently nationalist or even pro-Vietnamese.

In addition, many Cambodian political leaders do not judge the contentious issue of citizenship to be an urgent priority, compared to other pressing legislative issues such as the basic laws on the press and judiciary. Further, there is concern that a debate on citizenship might reveal widespread corruption regarding the sale of Cambodian identity papers and passports over the last decade.

Nonetheless, the issue of citizenship can probably not be deferred indefinitely. When it is addressed, should the ‘old society’ ethnicity-based concept of citizenship be readopted, Cambodia would hardly be the only country in the world to link citizenship with ethnicity. A newspaper column in the *Phnom Penh Post* recently noted that Japan, Germany and Israel do the same. But as the same story pointed out this linkage often consigns sectors of the population to second class citizenship and leads to festering minority group problems.⁷⁸ Should Cambodia return to ethnic-based citizenship, it is likely that the hill tribes and the Cham would again be included. But it would leave the ethnic Chinese and ethnic Vietnamese, who have resided in Cambodia for several generations, as essentially stateless.

However, Cambodia now has a government that is internationally recognized as independent and sovereign. And, for the first time in a generation, that government has been chosen, at least in large part, by the will of the Cambodian people. It is the elected representatives of the Cambodian people who must determine the nature of Cambodian citizenship. Hopefully, Cambodia’s political leaders will rely on,

and conform to, contemporary international norms and modern state practice as much as possible.

In the meantime, the recommendations put forward by the Cambodian human rights NGOs (see Annexe) provide a number of starting points. Of course, it needs to be continually reiterated to the new Cambodian government that it is responsible for protecting the lives of all the people in Cambodia, and that political violence against and killings of peoples no matter how they are classified, or not classified, need to be officially investigated, and the perpetrators apprehended and brought to justice.

This must be reiterated and insisted upon, even though the politically motivated ethnic violence described in this report takes place in the context of a general absence of law and order: where both urban and rural banditry is rife, where Western embassies have given travel advisories because of the kidnappings of Western tourists, and even though the new government is in a state of sporadic and inconclusive armed conflict with the Khmer Rouge – the main perpetrators of anti-Vietnamese and anti-foreigner violence – who, except for their guerrilla forays, remain outside the territory controlled by the central Cambodian government.

Even in a situation where the Cambodian police and legal system provides scant protection to Khmer citizens, in light of the massacres and genocidal acts directed against ethnic minorities in Cambodia's recent past, elements of the international community need to remind the Cambodian government that it is responsible for protecting the fundamental human right to life of all of the people in Cambodia, whether they are considered to be citizens, foreign residents or illegal immigrants.

And, while the larger, long term issues are considered, the humanitarian emergency of those ethnic Vietnamese who fled Khmer Rouge racist violence in boats down the Mekong River, and who more than a year later remain stranded at Chrey Thom on the Vietnam-Cambodia border should be resolved. Those who are left in this position, are almost certainly the impoverished ethnic Vietnamese, who have a strong claim to residence, if not also citizenship, and who were unable to 'purchase' or bribe their way into possessing Cambodian identity papers. Considering the generalized problem of law and order in many parts of Cambodia, it may well be that the Cambodian authorities are limited in the extent of security and protection they could provide to these ethnic minority residents. But there seems no discernible reason or merit for keeping this small group under virtual detention and denying their ability to resume their residency until the larger issues of citizenship, and the varying approaches to the recent Vietnamese immigrants and contemporary migrant workers, are resolved.



Recommendations

MRG has published this report to draw attention to the situation of the different minority groups living in Cambodia. Cambodia is undergoing a process of democratization, and by highlighting the complexities involved, we seek to advance the formulation of creative strategies at the national, regional and international levels which will address the most urgent concerns of the minority communities.

With this in mind, MRG makes the following recommendations:

Application of international standards

In order to provide the enabling framework for a just and democratic society, MRG urges the application of international standards, including the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, and the Convention for the Elimination of All Forms of Racial Discrimination, all three of which have been ratified by Cambodia.

Furthermore, any constitutional and legislative measures should take into account the specific concerns of each minority group in the country and conform with the internationally recognized principles of human rights such as those established in the Universal Declaration of Human Rights and the UN Declaration of Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

The right to citizenship

The crucial issue of citizenship should be clarified and resolved in a just and equitable manner. Ethnic origin should not be the sole criteria. Constitutional safeguards which recognize the multi-cultural composition of the country would facilitate this process. MRG recommends that any legislative and administrative measures taken or envisaged in this matter should take account of the fundamental principles of the UN Convention on the Reduction of Statelessness (1961).

Principles of pluralism and tolerance

Only in a spirit of tolerance and pluralism enhanced by inter-community cooperation can the tenets of democracy and the rule of law be upheld. Effective measures should be implemented to protect and promote the fundamental rights of all persons, irrespective of race or creed, who are living within the territory of the state. Any violations and/or abuses of human rights should be investigated and the persons responsible brought to trial.

Development policies

Socio-economic policies which impact on the indigenous peoples in the mountainous regions of the country need to be devised and implemented with their participation and consent, and in accordance to the real needs of the peoples living on the land. Impact-assessment studies should be carried out prior to the implementation of development projects in indigenous areas in order to ensure that their health and wellbeing will not be adversely affected. Modern health facilities which also respect traditional health practices should also be made available in remote areas.

The recommendations of the new Cambodian NGOs

A group of Cambodian NGO's⁷⁹ working in conjunction with the Human Rights Task Force promulgated a position paper entitled *Let Us Join Together to Settle the Issue of Persons of Vietnamese Origin in Cambodia in the Spirit of Peace, Justice, Compassion and Reconciliation*. The Cambodian NGO position paper provides an informed perspective on the most pressing situation of minorities in Cambodia and makes numerous recommendations. It is addressed to the governments of Cambodia and Vietnam in response to the announcement that these governments had created a commission to examine the problem of persons of Vietnamese origin in Cambodia as well as the issue of the Cambodia-Vietnamese border. This Cambodian NGO position paper is excerpted below because it stands at considerable variance to the approach of the Cambodian political parties:

The issue of the status of persons of Vietnamese origin in Cambodia

'The basic issue is that the Vietnamese government and others consider that majority of those stranded near the border are Cambodian citizens of Vietnamese origin because they hold Cambodian identity cards which indicate that they are descendants of Vietnamese fishermen who have lived on the Tonle Sap for several generations. The Cambodian government is therefore urged to accept these persons into Cambodia on the basis of international human rights standards.

'However, we must point out that citizenship is primarily an internal matter, not a matter of international law. Cambodian laws do not grant automatic citizenship to foreigners, including Vietnamese, who have resided in Cambodia for long periods of time. Mere possession of an identity card is not proof of citizenship but, rather, of residency.

'We also humbly request all concerned to consider that the right to return to a country of habitual residency depends upon whether the Cambodian government granted residency rights in some legal form at some point in the past. The question of residency rights cannot be separated from the events that have shaped Cambodia's recent history.

'After Cambodia was granted independence by France in 1953, those Vietnamese permitted to migrate to Cambodia prior to 1953 were granted residency rights. Until 1975, they were required to hold foreigner identity booklets and to renew their residency permit every six months. They were also obligated to pay appropriate taxes to the local government where they resided.

'However, the above immigration and residency procedure were relaxed in favour of Vietnamese migrants after the invasion of Cambodia by Vietnam at the end of 1978. While entry of other foreign nationals not aligned with the then Soviet Union was restricted, it was easy for Vietnamese national to enter Cambodia and acquire Cambodian identity cards.

'We believe that the Vietnamese who entered

Cambodia after 1979 cannot claim residency rights because they entered and settled in Cambodia at a time when Cambodians were not in control of their country. Moreover, a significant number of the Vietnamese who entered Cambodia after 1979 were new economic migrants whose entry into the country might have been better controlled if a different government were in place.'

Our recommendations

'As NGO's working for the promotion of human rights, democracy and peace and development, we acknowledge the internationally recognized right of persons of Vietnamese origin who have resided in Cambodia for long periods of time to return to Cambodia.

'However, we also believe that the return should be based on the rule of law and should consider the particular circumstances of Cambodia as described above. We propose the following recommendations in the hope that these will assist the two governments in formulating just and humane laws on citizenship, immigration and residency.'

On the question of citizenship

'Every person has the right to a nationality and we believe that this is the first issue that must be settled since many of those now at the border are, in effect, stateless. To help resolve this problem, we respectfully propose the following:

- '1. That the Cambodian government show compassion to those who have settled in Cambodia before 1975 by giving them and their descendants the opportunity to acquire Cambodian citizenship, provided that they have adequate proof of residency before 1975 and that they have not been involved in illegal activities at any time;
- '2. That, for humanitarian reasons, the Cambodian government consider granting Cambodian citizenship to the following special cases, provided that adequate proof is demonstrated and that they have not been held liable for activities against the security of Cambodia: those who have one Cambodian parent, provided that the Cambodian parent has not renounced his/her Cambodian citizenship while in Vietnam during this period, and those who married Cambodians and are willing to renounce their Vietnamese citizenship;
- '3. That the Cambodian government extend the opportunity to obtain Cambodian citizenship to other foreign nationals who meet the above criteria;
- '4. That all persons who want to obtain Cambodian citizenship must first attend orientation classes on Cambodian history, life, laws, culture and traditions;
- '5. That the Vietnamese government accept as citizens those who migrated to Cambodia after 1979 and that appropriate passports or official identity cards are issued to them; and
- '6. That the Cambodian and Vietnamese governments ratify the Convention on the Reduction of Statelessness and utilize this as a guide in settling the citizenship question of those now at the border.'

On the question of immigration and residency

‘Once the citizenship question is settled, the next step is to formulate clear provisions for immigration and residency in Cambodia. In particular, we propose that the Cambodian government legislate the following policies and procedures for granting permanent and temporary residency status to foreign nationals.

‘Persons granted permanent residency status have the right to stay in Cambodia for a long period of time. This does not mean the right to stay forever in Cambodia, but it does accord them the right to due process before deportation. We propose that permanent residents must renew their residency permit every six months with local government authorities which exercise jurisdiction over them.

‘Persons granted temporary residency status do not enjoy the right to stay in Cambodia for a long period of time. They are required to renew their residency permit every three months with the Ministry of Foreign Affairs. We propose that a temporary resident who has habitually resided in Cambodia during a defined period to be established by the Cambodian government be given the opportunity to apply for permanent residency status.

‘Both permanent and temporary residents shall enjoy certain civil and social rights such as freedom of movement and residence, the right to leave and return to Cambodia, to work, to protest against unjust employment practices, to equal access to public services and establishments, to equal treatment before any government organ administering justice, to security of persons and protection by the state against violence or bodily harm, and to freedom of thought, conscience and religion.

‘However, foreign residents will not enjoy some rights reserved for Cambodians, such as the right to vote and stand for election, to own land, or to hold public office.

‘The foreign resident shall also be subject to Cambodian laws and violation of these laws may be the basis for deportation. We acknowledge the right of the Cambodian government to specify those violations for which foreign residents may be held and punished in Cambodia before deportation.

‘We also recognize the right of the Cambodian government to limit the number of foreign nationals granted permanent or temporary residency status due to national concerns, provided that these limitations do not lead to restrictions against any one particular nationality.

‘Based on the above principles and once the citizenship of persons of Vietnamese origin at or near the border and those already inside Cambodia has been established, we recommend the following guidelines:

- ‘1. That the Cambodian and Vietnamese governments formulate details for the repatriation of and if this is not feasible for the strict registration of, all Vietnamese nationals stranded near the border and those already in Cambodia;
- ‘2. That the Vietnamese government issue passports or official identity papers to all Vietnamese nationals stranded near the border and those already in Cambodia;
- ‘3. That only those foreign nationals, including Vietnamese, who have passports or official iden-

tity papers be given the right to apply for immigration or residency in Cambodia;

- ‘4. That the Cambodian government show compassion to those:
 - a. who resided in Cambodia before 1975,
 - b. who chose Vietnamese citizenship, and
 - c. who want to return to Cambodia,
 by granting them permanent residency status, provided adequate proof of residency before 1975 is demonstrated and that they have not engaged in illegal activities;
- ‘5. That the Cambodian government, for humanitarian reasons, give sympathetic consideration to Vietnamese nationals who:
 - a. show adequate proof that they resided in Cambodia after 1979 for at least five years,
 - b. show adequate proof of strong ties to the community they have resided in,
 - c. have not engaged in illegal activities, and
 - d. want to return to Cambodia,
 by granting them temporary residency status for two years after which they will be given the opportunity to apply for permanent residency status;
- ‘6. That the above opportunities be extended to other foreign nationals who resided in Cambodia during the specified periods; and
- ‘7. That the Cambodian and Vietnamese governments ratify the International Convention on the Elimination of all Forms of Racial Discrimination.’

On steps that can be taken to start resolving the issue

‘The main problem issue in the above recommendations is how to adequately establish the veracity of claims of residency in Cambodia. In this regard, as defenders of human rights, we urge the Cambodian government to apply the recommendations generously and to give the benefit of the doubt to applicants.

‘There are many possible ways to establish necessary proof of residency. As cited previously, those who lived or resided in Cambodia before 1975 were issued identity booklets, which could serve as one basis of proof. We also believe that it is possible to interview relatives or other reference who can corroborate claims of residency. Moreover, the Vietnamese government can assist in this endeavour by providing records registering those who returned to Vietnam during the 1970-5 periods.’

- 1 See Chandler, D., *A History of Cambodia*, Westview Press, Boulder Colorado, 1983, pp. 57-9.
- 2 Lebar, F., Hickey, G., and Musgrave, J., 'Ethnic groups in mainland South East Asia', *Human Relations Area Files Press*, New Haven, 1964, p. 284.
- 3 Hawk, D., 'Democratic Kampuchea and international human rights law', in Ablin and Hood, (eds), *The Cambodian Agony*, M. E. Sharpe, New York, 1987, p. 127.
- 4 Willmott, W. E., *The Chinese in Cambodia*, Vancouver, University of British Columbia Publications Center, 1968.
- 5 Becker, E., *When the War Was Over: The Voices of Cambodia's Revolution and its People*, New York, Simon and Shuster, 1986, p. 263.
- 6 *Ibid.*, p. 263.
- 7 Cited in Hawk, *op. cit.*, p. 127-8.
- 8 *Ibid.*, p. 128.
- 9 *Ibid.*, p. 128.
- 10 Willmott, *op. cit.*, p. 33.
- 11 Mouhot, H., *Henri Mouhot's Diary: Travels in the Central Parts of Siam, Cambodia and Laos During the Years 1858-1861*, Kuala Lumpur: Oxford University Press, 1966, as cited in Becker, *op. cit.*, p. 123.
- 12 Author's interview with a Health Unlimited official who asked for anonymity, Phnom Penh, 26 February 1993.
- 13 Author's interview with Khieu Kanharith, Phnom Penh, 6 March 1993.
- 14 Diffloth, G., *Report: The indigenous minorities of Cambodia and the elections*, presented to the electoral component of UNTAC.
- 15 Author's interview with Choung Pheav, Provincial Chief Justice, Ban Lung, Ratanakiri, 8 May 1993.
- 16 Willmott, *op. cit.*, p. 32.
- 17 Author's interview with Judge Pheav, 8 May 1993.
- 18 See Locard, H., 'Hunting KR roots among hill tribes', *Phnom Penh Post*, 20 May-2 June 1994, p. 16.
- 19 Author's interview with Gerard Diffloth, 19 April 1993.
- 20 Locard, *op. cit.*, p. 16.
- 21 Becker, *op. cit.*, p. 123.
- 22 Author's interview with a village chief in Ochum district, 11 May 1993.
- 23 Locard, *op. cit.* p. 16.
- 24 Hughes, P., *Report on the Highlanders of Ratanakiri for the Year of Indigenous Peoples*, prepared for UNTAC Human Rights Component, 5 April 1993, p. 12.
- 25 See Willmott, W. E., 'The political structure of the Chinese in Cambodia', *London School of Economic and Political Science Monograph of Social Anthropology*, no. 42, p. 6.
- 26 *Ibid.*, p. 6.
- 27 *Ibid.*, p. 7.
- 28 Willmott, *The Chinese in Cambodia*, *op. cit.*, p. 6.
- 29 Willmott, *The Political Structure*, *op. cit.*, p. 7.
- 30 *Ibid.*, p. 7.
- 31 *Ibid.*, p. 8.
- 32 Willmott, *The Chinese in Cambodia*, *op. cit.*, p. 66. The Cambodian state has traditionally forced Khmer into the armed forces and into conscripted labour brigades. However, the Chinese were not conscripted, instead they were allowed to establish commercial monopolies which employed or controlled the Khmer peasantry and townsfolk. The congregation system was a kind of semi self-regulating ethnic community with its own leadership.
- 33 *Ibid.*, p. 68.
- 34 *Ibid.*, p. 68.
- 35 *Ibid.*, p. 78.
- 36 *Ibid.*, p. 80-1.
- 37 *Ibid.*, p. 83.
- 38 Becker, *op. cit.*, p. 141.
- 39 Kiernan, B., 'Kampuchea's ethnic Chinese under Pol Pot: a case of systematic social discrimination', *Journal of Contemporary Asia*, vol. 16, no. 1, 1986, p. 18.
- 40 Cited in 'Prepared statement of David Hawk', *Hearings before the Subcommittee on Human Rights and International Organizations of the Committee on Foreign Affairs, House of Representatives, Ninety-Eighth Congress*, 16-17 November 1983, pp. 124-5.
- 41 Kiernan, *op. cit.*, p. 19.
- 42 Becker, *op. cit.*, p. 256.
- 43 *Ibid.*, p. 255.
- 44 Kiernan, *op. cit.*, p. 27.
- 45 *Ibid.*, p. 27.
- 46 Willmott, *The Chinese in Cambodia*, *op. cit.*, p. 33.
- 47 *Ibid.*, p. 33.
- 48 *Ibid.*, p. 34.
- 49 *Ibid.*, p. 34.
- 50 *Ibid.*, p. 34.
- 51 *Ibid.*, p. 34.
- 52 Chandler, *op. cit.*, p. 127
- 53 *Ibid.*, p. 127.
- 54 See Willmott, *The Chinese in Cambodia*, *op. cit.*, p. 30.
- 55 *Ibid.*, p. 35.
- 56 After Vietnam withdrew, the name of the country was changed to the State of Cambodia (SOC), and the PRPK renamed itself the Cambodian Peoples Party (CPP). In many respects the CPP continues to form the party and administrative core of the present day Cambodian government.
- 57 From 1979 to 1991 the PRK/SOC was the *de facto* indigenous governing authority for roughly 90 per cent of Cambodia's territory and population. However, during this period, which coincided with the Vietnamese occupation of Cambodia, the Thailand-based exiled regime of Democratic Kampuchea (DK), later expanded into the still-exiled Coalition Government of Democratic Kampuchea (CDGK) and remained the UN recognized government of Cambodia.
- 58 As contained in a 1983 bulletin published by the PRK Ministry of Foreign Affairs, *Policy of the Peoples Republic of Kampuchea with Regard to Vietnamese Residents*.
- 59 This was important because the Vietnamese had previously staged well publicized troop 'withdrawals' that were regarded by other nation states as 'rotations' and not genuine withdrawals.
- 60 Article 8, section IV, 'Withdrawal of foreign forces and its verification', *Agreements on a Comprehensive Political Settlement of the Cambodia Conflict*, Paris, United Nations, 23 October 1991.
- 61 Annexe 1, section C, para. 1a.
- 62 *Human Rights Component Final Report*, United Nations Transitional Authority for Cambodia, Phnom

- Penh, September 1993, p. 31.
- 63 See 'Cambodia: human rights concerns: July to December 1992' (ASA 23/01/93), pp. 14-17; 'Cambodia: Amnesty International condemns massacre of civilians by Khmer Rouge', (ASA 23/WU 01/93) 16 March 1993; 'Extrajudicial executions of ethnic Vietnamese', (Urgent Action ASA 23/02/93), 12 July 1993; and 'Cambodia: arbitrary killings of ethnic Vietnamese', (ASA 23/05/93), September 1993.
- 64 'Cambodia: human rights before and after the elections', *Asia Watch*, vol. 5, no. 10, May 1993, pp. 21-2.
- 65 'Report of the Special Representative of the Secretary-General, Mr Michael Kirby (Australia) on the situation of human rights in Cambodia, submitted in accordance with Commission Resolution 1993/6', E/CN.4/1994/73, 24 February 1994, p. 49.
- 66 *Ibid.*, p. 49.
- 67 'Rights group condemns killing of Vietnamese', Reuters, Phnom Penh, 24 December 1994.
- 68 Paragraph 4, annexe 3, 'Elections', *Agreements on a Comprehensive Political Settlement of the Cambodia Conflict*, Paris, United Nations, 23 October 1991.
- 69 'Kirby Report', *op. cit.*, para. 209, p. 49.
- 70 Press release, 'Cambodian human rights NGO(s) denounces massacre of ethnic Vietnamese' 25 April 1994. The five groups were Association Khmer Kampuchea Krom, Khmer Institute of Democracy, VIGILANCE, ADHOC and LICADHO.
- 71 Amnesty International, Urgent Action Appeal UA 340/94, 15 September 1994.
- 72 'Kingdom of Cambodia: Human rights and the new constitution', Amnesty International, ASA 23/01/94, January 1994, p. 5.
- 73 'Kirby Report' *op. cit.*, p. 35.
- 74 *Ibid.*, p. 35.
- 75 AFP report 'Parties debate rights, copremiers', 1213, 16 September 1993, in FIBIS-EAS-93-179, 17 September 1993, as cited in Amnesty International Report, 'Human rights and the new constitution', *op. cit.*, p. 6.
- 76 *NGO Forum Newsletter*, August 1994, Phnom Penh, p. 2.
- 77 *Ibid.*, p. 2.
- 78 'Cambodia only for the Khmer?', *Phnom Penh Post*, 3-16 June 1994, p.6.
- 79 Cambodian Farmers' Association for Agricultural Development (CAFAAD), Cambodian Human Rights Association (ADHOC), Cambodian League for the Promotion and Defence of Human Rights (LICADHO), Human Rights and Community Outreach Projects (OUTREACH), Human Rights Vigilance of Cambodia (VIGILANCE), Khmer Institute of Democracy (KID), Khmer Kampuchea Krom Human Rights Association (KKKHRA), Khmer Students and Intellectuals Association (KSIA).
- Barron, J., and Paul, A., *Murder of a Gentle Land*, Readers Digest Press, New York, 1977.
- Becker, E., *When the War Was Over: The Voices of Cambodia's Revolution and its People*, Simon and Shuster, New York, 1986.
- Chanda, N., *Brother Enemy: The War After the War, A History of Indochina Since the Fall of Saigon*, Harcourt Brace Jovanovich, 1986.
- Chandler, D., *A History of Cambodia*, Westview Press, Boulder Colorado, 1983.
- Chandler, D., *The Tragedy of Cambodian History: Politics, War and Revolution since 1945*, Yale University Press, New Haven and London, 1991.
- May, S., *Cambodia Witness: The Autobiography of Someth May*, Random House, New York, 1986.
- Ponchaud, F., *Cambodia Year Zero*, Holt Rinehard and Winston, 1997.
- Shawcross, W., *Cambodia's New Deal*, Carnegie Endowment/Brookings Press, Washington DC, 1994.
- Shawcross, W., *Sideshow: Nixon, Kissinger and the Destruction of Cambodia*, Simon and Shuster, New York, 1979.
- Shawcross, W., *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience*, Simon and Shuster, New York, 1984.
- Szymusiak, M., *The Stones Cry Out: A Cambodian Childhood, 1975-1980*, Hill and Wang, New York, 1986.
- Yathay, P., *Stay Alive My Son*, The Free Press, New York, 1987.

MRG Reports

THEMATIC

Children: Rights and Responsibilities
Constitutional Law and Minorities
Education Rights and Minorities
International Action against Genocide
The International Protection of Minorities
The Jews of Africa and Asia
Land Rights and Minorities
Language, Literacy and Minorities
Minorities and Human Rights Law
New Approaches to Minority Protection
Race and Law in Britain and the US
The Refugee Dilemma: International Recognition and Acceptance
The Social Psychology of Minorities
Teaching about Prejudice

AFRICA

Burundi: Breaking the Cycle of Violence
Chad
Eritrea and Tigray
The Falashas
Indian South Africans
Inequalities in Zimbabwe
Jehovah's Witnesses in Africa
The Namibians
The New Position of East Africa's Asians
The Sahel: The Peoples' Right to Development
The San of the Kalahari
Somalia: A Nation in Turmoil
Uganda
The Western Saharans

THE AMERICAS

Amerindians of South America
Canada's Indians
The East Indians of Trinidad and Guyana
French Canada in Crisis
Haitian Refugees in the US
Inuit (Eskimos) of Canada
The Maya of Guatemala
The Miskito Indians of Nicaragua
Mexican Americans in the US
The Original Americans: US Indians
Puerto Ricans in the US

ASIA

The Adivasis of Bangladesh
Afghanistan: A Nation of Minorities
The Baluchis and Pathans
The Biharis of Bangladesh
The Chinese of South-East Asia
Japan's Minorities – Burakumin, Koreans, Ainu, Okinawans
The Lumad and Moro of Mindanao

Minorities of Central Vietnam
The Sikhs
The Tamils of Sri Lanka
Tajikistan: A Forgotten Civil War
The Tibetans

EUROPE

The Basques and Catalans
The Crimean Tatars and Volga Germans
Cyprus
Minorities and Autonomy in Western Europe
Minorities in the Balkans
Minorities in Central and Eastern Europe
Native Peoples of the Russian Far North
The North Caucasus
The Rastafarians
Refugees in Europe
Roma: Europe's Gypsies
Romania's Ethnic Hungarians
The Saami of Lapland
The Southern Balkans
The Two Irelands

THE MIDDLE EAST

The Armenians
The Baha'is of Iran
The Beduin of the Negev
Israel's Oriental Immigrants and Druzes
The Kurds
Lebanon
Migrant Workers in the Gulf
The Palestinians

SOUTHERN OCEANS

Aboriginal Australians
Diego Garcia: a Contrast to the Falklands
East Timor and West Irian
Fiji
The Kanaks of New Caledonia
The Maori of Aotearoa – New Zealand
Micronesia: the Problem of Palau
The Pacific: Nuclear Testing and Minorities

WOMEN

Arab Women
Female Genital Mutilation: Proposals for Change
Latin American Women
Women in Asia
Women in Sub-Saharan Africa

Minorities in Cambodia

A constitutional question

Twenty years on from the start of Pol Pot's regime Cambodia has a democratically elected government that is recognized the world over. However, the issue of Cambodia's minorities has been largely ignored in the new constitution – leaving many potentially stateless.

Minorities in Cambodia is a collaborative project between MRG and the Sri Lankan based International Centre for Ethnic Studies (ICES). The report traces the various regimes actions towards the Cham, the Khmer Loeu, the ethnic Chinese and the ethnic Vietnamese communities.

Cambodian minorities' histories are complex: prior to Pol Pot only the Cham and the indigenous peoples of the Khmer Loeu were classed as Cambodian minority groups, yet the ethnic Chinese and Vietnamese, who have been living in Cambodia for centuries, were considered, and are still considered as 'foreign residents', with the Vietnamese in particular suffering from brutal xenophobia, resulting in massacres and expulsions.

This report seeks to broaden the debate on the situation of Cambodia's minority groups and calls for the issues of residency and citizenship to be placed firmly on the new Cambodian government's political agenda.



Minority Rights Group

Minority Rights Group, an international human rights organization and registered educational charity, investigates the plights of minority (and majority) groups suffering discrimination and prejudice – and works to educate and alert public opinion.

We produce readable and accurate reports on the problems of oppressed groups around the world. We publish six new and revised reports a year. To date we have produced over 90 reports, a World Directory of Minorities, several books and education packs.

MRG works through the UN and elsewhere to increase the awareness of human rights issues and – with your help – is supporting minorities in the international arena.

For full details contact:
Minority Rights Group
379 Brixton Road
London SW9 7DE
UK

Telephone: +44 (0) 171-978 9498

Fax: +44 (0) 171-738 6265

ISBN 1 897693 60 5

An indispensable resource, which will prove of great value to academics, lawyers, journalists, development agencies, governments, minorities and all those interested in minority rights.