

# UNIVERSAL PERIODIC REVIEW OF VIETNAM

United Nations Human Rights Council

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The Tai Studies Center was founded in 1984. Its mission is to research and publish Tai history and literature, to preserve and promote Tai culture, to support students in higher education, to promote the common welfare and well-being of Tai people globally, and to promote intercultural understanding and cooperation in the community at large. The Tai Studies Center has produced books, albums of Tai songs, and many DVDs about the Tai people.

## **Introduction**

1. The Tai, known as Thai in Vietnam, is an indigenous people living in northwest Vietnam. They are generally subsistence farmers growing mainly rice and vegetables. They rely heavily on buffalo to plow their fields. For centuries, they lived along rivers and creeks to grow wet-rice. The Black River, which runs through the middle of the country, was considered the main artery of the Tai Country. On this life-line river, the Hoa Binh hydro-electric dam was built in 1994; Son La dam in 2011; and Lai Chau dam in 2015. These three dams are classified as the three largest dams in Southeast Asia inundating the most land previously occupied. These dams also generate an income of 1+ billion USD/year for the Vietnamese government, which the Tai never see. Consequently, the Tai had to move from inundated plains to the hills and mountains. To survive, whole forests were razed to build houses and to create terraced rice fields. These terraced fields made rice growing exponentially more difficult.
2. Before the war, the Tai were self-governing and autonomous. During the war, the Tai fought with the French against the Vietnamese. To this day, the Tai face retaliation and persecution because of this past alliance.<sup>1</sup>

## **Freedom of Speech and Expression**

3. According to Amnesty International, the world is aware that the people of Vietnam are being threatened by the government after speaking up for freedom and human rights.<sup>2</sup> Human rights advocates and peaceful political activists today are being beaten, jailed, and given the death penalty for simply speaking out against basic human rights violations.<sup>3</sup> Not only are advocates or activists being persecuted but anyone who expresses a dissenting opinion. The Tai know this especially well as they've been subjugated to scrutiny due to their past French connection. Therefore, no Tai speaks out against the government in any form.<sup>1</sup>
4. Most recently, Vietnam has passed a repressive new cybersecurity law, which grants the government powers to allow them to force technology companies to hand over potentially vast amounts of data, including personal information, and to censor users' posts, which will end all online freedom of expression.<sup>4</sup>

## **Recommendations**

5. "Take all necessary action to respect and promote the right to freedom of expression, peaceful assembly and association in line with its international human rights obligations" (Lithuania)
6. "Actively promote steps to guarantee freedom of expression, as well as the freedom and independence of the press, including on the Internet" (Japan)

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<sup>1</sup> Communications between Tai in northwest Vietnam and relatives living overseas

<sup>2</sup> <https://goo.gl/BVhHxD>

<sup>3</sup> <https://goo.gl/Skx5m5>

<sup>4</sup> <https://goo.gl/mHRVkh>

## **Inequality and Discrimination**

7. In Vietnam's National report for the Universal Periodic Review (UPR) in 2014, they reported that 22,303 billion VND (1+ billion USD) was spent to buy healthcare insurance for the poor, ethnic minorities, and children. In addition, Vietnam stated that comprehensive and sustainable poverty reduction has been their top priority in efforts to protect human rights and achieve the UN's Millennium Development Goals (MDGs). They also reported great progress in poverty reduction. In addition, Vietnam claims that public healthcare is a top priority in its development strategies, national goals programs and that they have achieved considerable progress in this area.<sup>5</sup>
8. Yet inequality continues as ethnic minority groups, predominantly the Tay, Thai and Hmong peoples, compose approximately 80% of the population in the region [NW Vietnam]. It is one of the poorest parts of the country. The poverty rate among ethnic minorities in the region is 73% and the extreme poverty rate 45.5%. By comparison, the extreme poverty rate among the Kinh majority (88% of population) nationwide is 2.9%.<sup>6</sup>
9. In fact, inequality is on the rise.<sup>7</sup> The rich are getting richer and the poor, especially those in mountainous areas are becoming poorer.
10. The United Nations Country Team noted that members of disadvantaged groups such as ethnic minorities continued to encounter special difficulties in accessing the labor market and in finding decent work. High rates of unskilled labor in ethnic minority areas were a barrier to accessing the labor market. Unemployment rates among young people were more than three times higher than the adult rate.<sup>5</sup>
11. In the last few years, Tai people overseas received calls and pictures of men pulling plows in place of a buffalo. On Facebook and other media, these kinds of pictures are common, and with comments such as, "Son La we are actually very poor, hunger, the suffering keeps chasing us forever." Most young men travel to Hanoi to find a job in construction. They are paid 10 USD a day for extremely hard work. These laborers must also separate from their spouses who also have to travel elsewhere to work. Their children are raised by grandparents. They meet as a family every other year. This is the unfortunate life of today's northwest Vietnam. Tai people overseas have been helping our relatives there, but millions more have no relatives to help alleviate their burdens.<sup>8</sup>

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<sup>5</sup> United Nations General Assembly/Human Rights Council Working Group on the Universal Periodic Review (UPR) Eighteenth Session – January 27 to February 7, 2014 - National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. <https://goo.gl/5XbZbq>

<sup>6</sup> Meding, Jason von. "In Vietnam Poverty and Poor Development, Not Just Floods, Kill the Most Marginalised." The Conversation, The Conversation, 20 June 2018, <https://goo.gl/hUQyXP>

<sup>7</sup> <https://goo.gl/Q1CWJm>

<sup>8</sup> Communication between Tai people in northwestern Vietnam and relatives living overseas, by telephone calls or visits

12. In 2014, it was recommended by both the Committee on the Elimination of Racial Discrimination and The Convention on the Rights of the Child that Vietnam (a) combat poverty among marginalized groups, particularly ethnic minority and migrant groups; (b) promote equal opportunities for all persons; and (c) stimulate economic growth and development for the ethnic minority groups and the indigenous communities, especially regarding employment, education and health care.<sup>9</sup>
13. Discrimination is a constant. During one of our relative's visits back to Vietnam, one Tai person who moved to one of the larger cities told them that she no longer wears her hair in a bun or traditional clothing because the majority Kinh people throw rocks at her.
14. Discrimination is not only practiced at the individual level but at the top levels of government. The government has released water from the dams into the Tai people's sacred, living, and farm areas without giving them any warning. They have no choice but to flee or else they get washed away with the waters.
15. During construction of the plant which was under direct supervision of the government, the Prime Minister and other government officials repeatedly declared they would guarantee 20,340 households and 93,201 people from 248 villages in the three provinces of Son La, Điện Biên, and Lai Châu, who were affected by the Son La dam, an equal or better life after resettlement.<sup>2</sup>
16. While most of the benefits of the dam projects assisted urban areas and lowland farmers, problems generated by the projects fell mostly on the displaced people, who faced many difficulties in setting up their new lives. The compensation given to the displaced people were far from enough to enable them to settle in their new locations.<sup>10</sup>
17. "Allocation of residential land in this village is not equal, while some households get 320m<sup>2</sup> only, others get 350m<sup>2</sup>, or 380, or 400m<sup>2</sup>. Though people want to raise animals, they can't because the land is so narrow." A village leader in Quynh Nhai district said, "There are 112 households in the village, of which only 35 households have salaries or a stable income. The other 77 households are typically the poor. As farmers for generation, today we have no land, no money. We do not know what to do, how to live; it is very difficult. We are eating today but do not know what we will have for food tomorrow." Villagers have to sell their labour force, they are worried about their day-by-day earning. A villager in Mai Son district stated, "We mainly grow maize. Being landless, we have to work as hired laborers in order to get VND 120,000-130,000 (5.4 USD to 5.8 USD) per day." However, jobs are scarce.<sup>11</sup>

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<sup>9</sup> United Nations General Assembly/Human Rights Council Working Group on the Universal Periodic Review (UPR) Eighteenth Session – January 27 to February 7, 2014 - National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. <https://goo.gl/5XbZbq>

<sup>10</sup> Dao, Ngo. (2010). Dam Development in Vietnam: The Evolution of Dam-Induced Resettlement Policy. *Water Alternatives* 3(2): 324-340. <https://goo.gl/khAZ1y>

<sup>11</sup> VietnamNews Bridge 02/03/2013

18. After multiple typhoons and severe cold temperatures in recent years, hundreds of thousands of Tai families suffered when their homes or rice fields were washed away, and their buffalos died. Emergency aid from the government for Tai people was almost null. The district delivered aid worth about VND10 million [about 400 USD] to each family whose family member died or went missing from the flood, and VND 2.5 million [100 USD] to each of those with injured members.<sup>12</sup>

### **Recommendations**

19. “Take active measures to close the gap between rich and poor and between the mountainous and urban areas.” (China)
20. “Continue improving the living standards of poor persons and those living in remote areas to which access is difficult” (Venezuela)
21. “Continue efforts to promote and protect the rights of all segments of the population” (Nepal)

### **Self-Determination**

22. Although the Tai Dam have lived in today’s five provinces of Vietnam - Lai Chau, Dien Bien, Son La, Lao Cai and Yen Bai for millenniums, they are not recognized as indigenous peoples. The Tai have many ancient written works about our history, rich traditions, customary laws, and literature. However, much of it was confiscated and lost due to invaders and colonizers, who took over the land and peoples. Tai people have lived in what was once known as “Sip-Song-Chau-Tai” or the “Twelve Tai Principalities.” In 1955, the Thai-Meo Autonomous Zone was created by treaty between the Tai people and the Vietnamese government. This treaty gave the Tai people allowance for self-governance and self-determination. However, the Autonomous Zone and the treaty were quickly abolished by the Vietnamese in 1975.
23. Ever since the end of the war and up until now, the Tai are being marginalized and not given a voice in their own governance. Their lands have been seized by the government for large hydropower projects of which the Tai are not fully compensated for.<sup>13</sup> Their environment, water and health are being threatened by rare earth mining.<sup>14</sup> Once again the Tai people have not received any economic benefits from this. Neither of these projects included input or representation from the Tai people. Their lands, livelihood and right to self-determination have been taken away.

### **Recommendations**

24. “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” (UDHR 21.1)

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<sup>12</sup> Meding, Jason von. “In Vietnam Poverty and Poor Development, Not Just Floods, Kill the Most Marginalised.” The Conversation, The Conversation, 20 June 2018. <https://goo.gl/hUQyXP>

<sup>13</sup> Dao, Ngo. (2010). Dam Development in Vietnam: The Evolution of Dam-Induced Resettlement Policy. *Water Alternatives* 3(2): 324-340. <https://goo.gl/khAZ1y>

<sup>14</sup> Kaiman, Jonathan. “Rare Earth Mining in China: the Bleak Social and Environmental Costs.” The Guardian, Guardian News and Media, 20 Mar. 2014. <https://goo.gl/mhCFtp>

25. “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” (UNDRIP 3)
26. “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.” (UNDRIP 4)
27. “Adopt policies that will allow the active involvement of minority communities through consultation and participation in decision-making processes relating to areas affecting them, particularly on development issues” (Namibia)
28. “Develop appropriate policies and measures to effectively support ethnic minorities” (Iran)
29. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements. (UNDRIP 37.1)

### **Conclusion**

Vietnam needs to do more for Tai People. According to reports by Vietnam, they have made efforts and promises to improve the daily lives and living conditions of all their citizens since joining the U.N. in 1977. However, why then are the Tai still living in poverty and facing hunger more than 40 years later? Why are they practicing old farming techniques from a hundred years ago? Why have new farming technologies and modern standards of living not been brought to them as it has been to those living in the larger cities? Why haven't they had a voice in allocation of their own lands and natural resources? Instead, more has been taken away from them. Until the Tai peoples and other indigenous groups in Vietnam receive equal benefits for their basic needs, we believe that the government still has a huge “humanitarian” task ahead of them. We hope that the Tai people will be a real focus for Vietnam for the 2030 Agenda. We hope that the U.N. will hold them accountable for making this materialize.

### **Recommendations**

The Tai Studies Center urges the Vietnamese authorities:

To acknowledge the indigenous status of the Tai people;

To create an effective mechanism to compensate for loss of lands and livelihood;

To include input from the Tai people regarding their lands and natural resources;

To care for all their citizens, especially the poor people in the mountainous areas, who have nowhere to take refuge during typhoon seasons, by building a stormproof evacuation shelter for each village;

To respect the people and the environment and ensure a sustainable future for all, end rare earth mining.