The Internationalization of Liberal Multiculturalism

The idea of a distinctly “liberal” form of multiculturalism has emerged in the West, both in theory and practice, which defends minority rights as consistent with, and indeed advancing, basic liberal values of individual freedom, democracy and social justice. This idea is increasingly manifest in international law and policy and disseminated globally by international organizations. The global dissemination of liberal multiculturalism marks a profound change in the norms and ideals of modern state and citizenship promoted by the international community, away from linguistically and institutionally homogenous citizenship in centralized states to group-differentiated citizenship in decentralized, multi-level, multi-lingual, multi-national states that use local and regional autonomy for the accommodation of cultural diversity.

This article discusses the relevance of liberal multiculturalism in Cambodia. This is not to say that Cambodia is a liberal state. “Liberalism” is usefully understood as a model of justice and political organization that gives priority to the value of individual freedom and principles derived from it, such as universal human rights, democracy, social justice, rule of law and separation of powers. Liberalism at least in its origin is a distinctively Western affair and there is no universal consensus on its values. It is thus less than surprising that state practice in Cambodia is for the most part indifferent to liberal principles. Indeed, the state in Cambodia is less a tool to enhance justice and well-being than it is a tool for the rich and powerful to exploit the poor and vulnerable. Much of the time it is a lawless and predatory organization that disregards not only the full range of liberal principles but routinely abuses even the most basic, fundamental and indeed universal values of dignity, fairness and reciprocity.

This is well known and is by far the greatest obstacle to the well-being of minority members. However, it is not an obstacle unique to minorities. While liberalism and indeed, justice, are not the primary concern of the Cambodian state and its institutions, there are good reasons to think that justice, and indeed, liberalism, resonate well with the aspirations of the Cambodian people. Liberal values are at the heart of Cambodia’s Constitution, prominent in public discourse and regularly invoked by Cambodia’s citizens and civil society and, if less frequently and enthusiastically, the Kingdom’s government. Liberalism is indispensable to the
rationale of the international community’s involvement in Cambodia. Liberal principles are essential to the normative framework in which public policy is, and is not, made and applied in Cambodia.

The following is thus an account as much of the claims of culture in the state Cambodia as it is an account of those claims in the state that Cambodians aspire to being citizens of and that the Cambodian government claims to be representing. Using Will Kymlicka’s work, this article highlights some of the problems and contradictions in the way the international community promotes the application of international minority rights, and elaborates on the implications for state-minority relations in Cambodia.

Specifically, Kymlicka suggests that Western multiculturalism
(i) is not just a response to the value of cultural membership, but a response to the state practice of nation-building;
(ii) depends on a distinction between historic “national minorities,” who are entitled to language and self-government rights, and “immigrant groups,” who have weaker cultural rights, but have claims to full membership in mainstream institutions.

The first section introduces key ideas of Western multiculturalism and elaborates on the internationalization of minority rights and their applicability outside Western states. The following section attempts to classify Cambodia’s cultural diversity in light of liberal multiculturalist distinctions and illustrates some of the difficulties of using international treaties and conventions concerning indigenous peoples in the Cambodian context. The last section discusses Cambodia’s experience and moment of nation-building and its treatment of indigenous peoples in light of theories of multiculturalism.

State Nation-Building

In a nutshell, Kymlicka demonstrates that nation-building is a standard operation of all modern states. States engage in deliberate projects of citizen-making aimed at creating a national identity among a diverse population by means of participation in national institutions operating in one national language. The practice of state nation-building and the public institutions it shapes systematically privileges speakers of the dominant language and marginalizes speakers of minority languages, not least by perpetuating the former’s societal culture into the indefinite future at the expense of all others. Because virtually all states have been or are engaged in this kind of majority nation-building, minorities in all states face common threats from states. These threats are unique to minorities and justify certain standard protections from states, in the form of distinct sets of positive minority rights. Minorities need protection from states not (primarily) as a matter
of liberal values, but as a matter of universal, basic norms of equality and fairness between groups and their members in modern states (Kymlicka 2001: 242-253).

**Minority Categories: National Minorities and Ethnic Groups**

When minorities claim rights, they often do so in response to states engaged in nation-building. However, different kinds of minorities relate differently to the institutions of aspiring nation-states and respond to nation-building with different strategies and claims. Kymlicka suggests that Western multiculturalism depends on a distinction between national minorities and immigrant groups (Kymlicka 1995: 11). This distinction has a descriptive and a normative dimension. Descriptively, the distinction asserts that there are relevant and stable differences between the two categories of groups in terms of their histories, current characteristics and future aspirations. Normatively, it suggests that differentiation among minorities along the lines of this distinction is justified when assigning group-specific rights.

The following illustration provides an overview of Kymlicka’s typology.

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Pattern of Cultural Diversity, from Kymlicka 2002: 348 - 365
In this view, it is the mode of minorities’ historical incorporation into the state that most profoundly shapes the identities of its members, their responses to state nation-building and the relationships to the larger society to which they aspire. In the case of national minorities, cultural diversity comes about by the involuntary incorporation into a state of a territorially concentrated, self-governing society. National minorities typically resist state nation-building, aspire to the perpetuation of their cultures as separate societies alongside the majority culture, and claim the self-government rights necessary to do so.

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In contrast, in the case of ethnic groups, diversity is the result of decisions by individuals and families to leave their culture and migrate to another country. Typically, the members of ethnic groups aspire to full membership in the larger society and participation in its institutions on a par with members of the majority culture. Ethnic groups do not wish to establish and maintain distinct societies within the state, but seek to adapt the institutions of the larger society so to recognize and accommodate their ethnic identities (Kymlicka 1995: 10-26).

National minorities can be subdivided into sub-state nations and indigenous peoples. Sub-state nations were contenders but losers in the process of state formation, while indigenous peoples were isolated from this process until rather recently. But this distinction between sub-state nations and indigenous peoples is secondary to the operation of Western multiculturalism. Groups in either category in liberal states today enjoy recognition of their language and their claims to self-government. Primary is the distinction between national minorities and immigrant groups. In liberal states today, there is no sizeable national minority that
does not enjoy substantial language and self-government rights and there is no group of recent immigrants that does.

In contrast, national minorities – including indigenous peoples – did not choose to migrate. These groups formed self-governing, territorially concentrated, culturally distinct societies prior to their involuntary incorporation into aspiring nation-states. What justifies specific rights for such groups is not that they were the initial appropriators of their homelands but that they were self-governing and might have maintained their independence in a different constellation of power. The loss of this independence came about by a violation of their inherent right to self-government through coercion and colonization. In this regard, the situation of national minorities is not generally different from overseas colonized peoples, such as the Khmer during French rule. Because their involuntarily incorporation was unjust, and because of the profound interest people have in access to their own culture, members of national minorities should not be required to integrate into the mainstream society but enabled to maintain distinct societies alongside the majority culture (Kymlicka 2001: 149). Protecting national minorities from unjust state nation-building involves providing to them the same powers and tools of nation-building which the cultural majority takes for granted (Kymlicka 1995: 26-33).

Model in Liberal Theory and Practice

Kymlicka 1995, 2001
National Minorities and Indigenous Peoples in Asia

There are a number of conceptual challenges in applying the concept of “indigenous peoples” in the post-colonial world. “Indigenous peoples” and “national minorities” are concepts that originate in different and distinctively Western historical processes and their applicability in Asian states is not obvious. The concept of “indigenous peoples” emerged in European settler states such as in the Americas, Australia or New Zealand and here refers to the population whose ancestors had lived on the land before the arrival of European colonizers. In all European settler states that are liberal democracies today, indigenous peoples enjoy constitutionally or otherwise protected and recognized rights to self-government, land and legal pluralism.

There are plausible ways of extending the distinction between national minorities and indigenous peoples to the larger world. There are groups in Asia that have much in common with indigenous peoples in the New World, such as Montagnards in Vietnam, Aboriginals in Taiwan, Papuans in Indonesia, Chittagong Hill Tribes in Bangladesh, numerous “scheduled tribes” in India, Ainu in Japan and a large number of “hill tribes,” “tribal peoples” or “forest peoples” in virtually all Southeast Asian states (Barnes et al. 1995; Kingsbury; Gover 2004). In East and West, those groups have not had, or aspired to establish, modern states. They also tend to share important characteristics such as cultural vulnerability, political marginalization, close relationships to the land, small numbers of members and geographical remoteness. In contrast, there are other groups in Asia who share important similarities with European national minorities, groups that have struggled to maintain or establish a state of their own but did not succeed, or populations on territories that were removed from their kin states. After independence, those groups found themselves in a subordinate position to a dominant group in control of the state, such as Acehnese in Indonesia, Tamils in Sri Lanka, Tibetans and Uighurs in China, Karens and Shans in Burma, Baluchis in Afghanistan and Pakistan, Moros in Philippines, and Khmer Kampuchea Krom in Vietnam. The distinction is a plausible way of thinking about cultural diversity in Asian states. However, there are no such things as discreet categories of groups readily identifiable as “indigenous peoples” or “sub-state nation” and there is great continuity in characteristics and claims of groups in both categories. With the political claims involved, any attempt to draw lines between them is bound to be contested.

Internationalizing Minority Rights: “Indigenous Peoples”

Liberal multiculturalism came to be seen as quite successful in liberal states, as it contributed to transforming sometimes violent minority-state relations into
conflicts managed peacefully within the normal democratic process. It was this at least perceived success that contributed to the process of internationalization of Western multiculturalism via international organizations, of which many have adopted minority rights policies, declarations and conventions. These minority rights provisions emerging in international law mark a profound change in the ideal of a “modern state” promoted by the international community. Previously, this ideal was a central, unitary nation-state with one set of national institutions operating in one language only. In contrast, what international organizations today are promoting is a radically different ideal of group-differentiated citizenship in decentralized states that use federalism and local and regional autonomy to accommodate the claims of historical, territorial minorities to self-government and language. This is consistent with contemporary state practice in virtually all liberal democracies (Kymlicka 2007: 31-39).

However, liberal multiculturalism came to be legally codified at the level of the UN in a way significantly different from established practices and distinctions in the West. The UN system during recent decades has singled out the category of indigenous peoples for strong targeted minority rights norms. Various international organizations have adopted conventions, declarations and a wide range of policies and mechanisms to articulate, promote and protect the rights of indigenous peoples, such as ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples and Worldbank Operation Directive 4.10. Few UN agencies today do not have specific projects, programs, policies, funds, fellowship programs and the like to promote indigenous peoples specifically. Various governments, such as Denmark’s, Norway’s, Spain’s and Sweden’s as well as the European Commission have adopted policies to ensure respect for indigenous rights in the implementation of technical cooperation programs. The international community has facilitated the emergence of a forceful international movement of indigenous peoples demanding from states recognition of their rights to self-government, lands and resources, cultures and languages. Large and increasing numbers of minority groups from Asia continue to join this movement.

Among the latest step in this internationalization of minority rights was the adoption of the UN Declaration of the Rights of Indigenous Peoples in September 2007. International law at the UN level today attributes an extraordinarily wide range of the strongest possible minority rights, including the right to self-determination, to “indigenous peoples,” and to them only. Consider just a few of the articles that the UN Declaration describes as “minimum standards:”

Article 3: Indigenous peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
Article 4: 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.

Article 26: Indigenous peoples have the right to own, develop, control and use the lands and territories... which they have traditionally owned or otherwise occupied or used.

Groups that conventionally identify or are identified as indigenous peoples are not the only minorities with aspirations to indigenous rights of the kind contained in emerging international law and policy. There are numerous sub-state or stateless nations that do not identify as indigenous peoples (yet) but share aspirations to be given control over themselves, their institutions and territories; in short, to obtain greater measures of autonomy and self-government. Those groups tend to be not only larger but also more institutionalized, and to have not only strong aspirations to self-determination but also higher capacity for self-government and possibly, statehood.

**Self-Identification and the Right to Self-Determination**

It is because of the potential geo-political implications of their aspirations that the UN system has consistently failed to develop targeted rights norms for sub-state nations. The remarkable progress on targeted norms for indigenous peoples at the UN was possible because of the much lower scale of geo-political concerns perceived to be present in accommodating marginalized and isolated indigenous groups. Many national minorities credibly challenge the authority of states, and these states, predictably, are not willing to support the development of international instruments at the UN that encourage and legitimate resistance to their rule.

However, there is no internationally agreed upon definition of “indigenous peoples” and emerging international norms are notoriously vague on which groups they aim to protect. ILO Convention 169, for example, operates mainly on self-identification and a vague set of fairly inclusive “objective criteria.” The UN declaration makes no attempt to define or identify the groups it protects.

Many Asian states do have various kinds of minority policies and group-differentiated practices. But they routinely consider international indigenous rights norms to be applicable only to pre-colonization groups in European settler states and not to any part of their population. An indication of this is that no Asian country has ratified ILO Convention 169 on Indigenous and Tribal Peoples. The fact that no Asian state voted against the UN Declaration is consistent with an understanding of indigenous peoples as a group category that does not exist in Asia. The only countries who voted against the declaration are liberal democracies built on European settler states in which the category of “indigenous peoples” orig-
inates and is most readily recognized, namely the US, Canada, Australia and New Zealand.

Any national minority now has very strong incentives to identify as indigenous people, because recognition as such is the only legal way to gain international protection for the kind of territorial and historical interests and aspirations that indigenous peoples share with sub-state nations. Among the minorities now debating adoption of the indigenous peoples label are the Crimean Tatars, the Roma, the Palestinians, the Abkhaz in Georgia, the Chechens in Russia and the Tibetans in China (Kymlicka 2007: 207). Kymlicka suggests that this re-identification resulting from incomplete international protection is not going to benefit either indigenous peoples or sub-state nations in the longer-run:

The net effect of such shifts in self-identification would be the total collapse of the international system of indigenous rights … Yet there is very little within the current UN indigenous rights machinery that prevents such a shift from taking place (Kymlicka 2007: 208).

For the following discussion of multicultural citizenship in Cambodia, it is important to point out the implications of liberal multiculturalism in general and international indigenous rights instruments in particular for the decentralization of the state and the role of language in its public institutions. As Kymlicka puts it:

in the past many of these examples of substate autonomy were seen as “exceptions” or “deviations” from what a “normal” state looks like, the norm being a highly central-ized state like France, with an undifferentiated conception of republican citizenship and a single official language. But this model of a centralized, unitary and homogenous state is increasingly described by IOs as an anachronism, whereas pluralistic, multilingual and multilevel states are presented as the more truly “modern” approach (Kymlicka 2007: 31).

The realization of minority rights to self-government as prescribed in recent international instruments requires the devolution of powers to political subunits in which members of a given national or indigenous group form a majority. These rights cannot be realized through a general decentralization, but require a specifically “multination” conception of decentralization that creates self-governing enclaves for indigenous and national minorities and devolves to them those state powers essential to maintaining a distinct society.

Cambodia: Polyethnic and Multinational

Applying Kymlicka’s typology to Cambodia’s cultural diversity identifies Cambodia as a polyethnic and multinational state: there are both ethnic groups and
national minorities. Cambodia’s ethnic Chinese and Vietnamese are rather close to the paradigm case of immigrant groups, while Cambodia’s highland peoples are fairly close to paradigm cases of indigenous peoples. The incorporation of ethnic Vietnamese and Chinese generally came about by individual and familiar migration to Cambodia and it was voluntary insofar as no coercion on the part of the Cambodian state was involved. Both groups maintain and cherish aspects of their cultural heritage in Cambodia, but neither group aspires to self-government or autonomy. Nor would such autonomy claims be accepted by the majority society.

While ethnic Chinese are generally integrated to a higher degree than ethnic Vietnamese and participate more fully and successfully in mainstream institutions, this reflects two significantly different histories of migration. Part of the difference is timing, as most ethnic Vietnamese have arrived more recently in Cambodia. It also reflects different degrees of acceptance among the majority population. Due not least to a history of Vietnamese colonization resulting in the removal of the Mekong Delta from Cambodian jurisdiction, as well as the Vietnamese occupation during the 80s, Khmer find it hard to recognize Vietnamese as a legitimate ethnic group in Cambodia. In contrast, ethnic Chinese are accepted as full and equal citizens and having Chinese ancestors is often associated with higher status and prestige (Edwards 1996).

But more important than those differences is what ethnic Chinese and Vietnamese in Cambodia have in common: a history of migration from a culture that controls and is perpetuated by a state or sub-state elsewhere and the absence of aspirations to self-government and language rights in public institutions. Historically, members of both groups came to Cambodia and there is no evidence of either group having aspired to establishing a parallel set of nation institutions.

**Multinational Cambodia: Highland Peoples**

The incorporation of highland peoples into the Cambodian state came about in a profoundly different manner. Unlike ethnic Chinese and Vietnamese, highlanders and their ancestors did not come to Cambodia and did not ask to become Khmer citizens. Rather, Cambodia came to them, though at first in the form of a French protectorate. Those groups have for centuries not only settled in their traditional homelands but formed landed, self-governing societies, albeit small and decentralized ones, with institutions operating in their distinct languages that governed the full range of social life. In an ongoing process of involuntary incorporation, or “internal” colonization, the historical sovereignty highland peoples exercised over their traditional territories was taken from them against their will and without them having ceded their rights over their homelands to a state. There is no indication of highland peoples having struggled to establish separate states.
It is thus clear that Cambodia’s highland peoples are not immigrant groups, but fall on the national minority side of the Western multiculturalist distinction. If there are such things as “indigenous peoples” in the region, highland peoples can be fairly counted in that category. This is what the international community has consistently done since the establishment of the current Cambodian state in 1993.

Today, most highland peoples continue to form not just sub-groups of Cambodia’s mainstream Khmer society, but largely autonomous societies, with sets of societal institutions that may not be complete any more but are still intact and operate in distinct minority languages most of the time. These institutions cover a wide range of human activity and are of great significance to individual group members and their well-being (White 1996).

There is a strong case to be made that highland peoples are entitled to have control both over themselves as peoples, and over their institutions and to have their lands restored by the state. Despite living in what is now Cambodia for many generations, members of highland societies continue to speak their own languages and to participate in their own institutions operating in those languages. Against the odds of a history of majority nation-building, highland peoples have managed to maintain and perpetuate not only elements of their ethnic heritage, but more or less institutionally complete cultures. In most cases, members of highland peoples remain determined to maintain the existence of their societies as distinct cultures alongside the Khmer majority.

Cambodia’s Cham: A Non-Territorial National Minority

Liberal multiculturalist distinctions as well as international law categories are insufficient to account for the distinct situation and aspirations of Cambodia’s Cham. At about 5% of Cambodia’s population, Cham constitute a minority group whose members easily number two or three times the combined total of all highland peoples. It is tempting to categorize Cham as an immigrant group, because Champa, the historical Cham homeland and jurisdiction of historical Cham self-government, now lies outside the national borders of Cambodia and always did. Cham came to Cambodia and they did so not due to coercion by the Cambodians but by the Vietnamese state, to which Cham lost their ancestral homeland. A significant aspect of being Cham in Cambodia has been, from the earliest days, to be a cultural minority, in contrast to self-governing highland societies which have been minoritized through the involuntary incorporation of their homelands. Champa was incorporated forcefully into what is the Vietnamese state today, suggesting that those Cham that remain there are usefully understood to be a national minority. Cham in Cambodia do not appear to have historically aspired to re-establish a self-governing entity. Cham are not marginalized like
highland peoples and they successfully participate in public institutions, are well represented in government and various political parties and are active in many sectors of the economy.

However, Cham have been in Cambodia for many centuries and have maintained a degree of cultural difference and separation that in many ways resembles those present in highland communities. Being Cham in Cambodia is a much thicker identity than being Chinese, for example, as it covers not only secondary associations but distinct societal institutions and practices that are closely linked to historical self-governance and statehood in Champa, in addition to a distinct religion and language. It is common for ethnic Chinese to take pride in a high degree of integration into Khmer society, individually and collectively. In contrast, Cham take as much pride in having maintained a distinct culture after the involuntary loss of historical statehood and their ancestral homeland. Ethnic Chinese in Cambodia learn Mandarin as a second language in addition to Khmer. In most cases, Mandarin was not the native language of their ancestors when they arrived in Cambodia.

Like highland peoples and unlike ethnic Vietnamese and Chinese, Cham do not have a state maintaining their distinct culture elsewhere. The best chance for Cham to live among Cham and speak the Cham language is in Cambodia. People in a Cham village are often found to be as determined as highlanders to maintain their distinct language, institutions and ways of life. They are up against similar odds in the context of a nationalizing state.

To sum up, Cambodia is usefully understood as a polyethnic and multination state, containing ethnic groups as well as national minorities. The difference between national minorities and ethnic groups characterizes two markedly different pattern of cultural diversity here and accurately reflects the aspirations of most minorities but not those of Cambodia’s Cham. Cham may historically have come to Cambodia as immigrants, but have since transformed themselves into a national minority plausibly entitled to protection of their distinct culture not fundamentally different from the rights that are due to highland peoples. Significantly though, the kind of autonomy Cham are seeking in Cambodia is not territorial in the sense of highland peoples’ aspirations.

Liberal Multiculturalism and the Equality of Khmer Citizens

Exploring the compatibility of Cambodian citizenship with liberal multiculturalism, it is useful to consider the Constitution’s article 31:

- The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.
Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with law.

These constitutional provisions, like many others, may not have much immediate significance for state practice in Cambodia. But they plausibly reflect the aspirations of a great number of Cambodians and are an important part of the normative framework in which public policy is publicly justified. The first paragraph commits the Cambodian state to the recognition of the full range of individual human rights. The second paragraph is a conception of Cambodian citizenship based on a general principle of non-discrimination. “Khmer-citizen” is understood to be the constitutional equivalent of a “Cambodian citizen” and state officials are often at pains to explain how this includes national and ethnic minorities. There are more tensions between the Constitution’s account of Khmer citizenship and liberal multiculturalism. Liberal multiculturalism implies a group-differentiated conception in which citizens are not equal before the law. Rather, national minorities have rights to autonomy and language in addition to common citizenship rights, in order to ensure their members’ equal benefit from individual citizenship rights, most importantly the human rights that are guaranteed in the first paragraph and implied in the non-discrimination principle of the second and third. Recognition of the principles of liberal multiculturalism would mean adoption of a conception of Cambodian citizenship that is capable of including national minorities as Cham citizen, Jorai citizens, and Bunong citizens and so on. Liberal multiculturalism is also in potential tension with the third paragraph, because the maintenance of distinct minority cultures may require limitations on the rights and freedoms of majority citizens, with the aim of protecting equal enjoyment of common citizenship rights for minority citizens.

Absence of Minority Challenges to State Authority

The earlier discussion of Cambodia’s minorities suggests that what distinguishes Cambodia from most Asian countries is that liberal multiculturalism is a relatively low-risk policy choice for the state, geopolitically. Cambodia is among the culturally most homogenous countries in Asia, in that a great majority of the population has for many generations identified as ethnically Khmer and spoken the Khmer language as a first language. But there also is not among the many minority cultures any one historical, territorially compact minority capable of credibly challenging the authority or integrity of the Cambodian state, such as by making
autonomy claims the state is incapable of meeting. There is, in striking contrast to most Asian states, no history of minority nationalism in Cambodia and there never has been a threat of minority secession. There are no autonomy claims actually or conceivably made that cannot be accommodated by and large within the general framework of the Cambodian state and its reform. Conceivable autonomy claims occur well below any threshold that concerns the security or integrity of the state or could plausibly justify deviation from the normal political process. This is significant because it is standard practice among most states in the region to invoke state security to justify suspending what human rights and democratic process guarantees may exist, in response to minority claims for autonomy.

Highland peoples, the groups that are most widely and most plausibly considered indigenous peoples in Cambodia, make up a small fraction of the population that is further divided into a large number of indigenous groups (estimated in the range of 20), with virtually no political organization above the village level. There are probably very few minorities in Asia that are a lesser threat to the security and integrity of the state than highland peoples are to Cambodia. Much less is at stake geopolitically in recognizing those groups as indigenous peoples under international law in Cambodia than there is with national minorities in virtually any other Asian state.

Cham lost a state in Vietnam and were transformed from a state-people into a stateless people, from the state-culture of Champa into a transnational minority culture. What may be most remarkable here is the enormous transformation in relationship to the Khmer, from refugees into “Khmer Islam,” from outsiders into insiders, from newcomers into a national minority, from the others into citizens. The accommodation of Cham in Cambodia is a success story of minority accommodation that neither Western nor international multiculturalism can fully appreciate.

Cham have since their arrival had a home in Cambodia but never a homeland. There has not been one territorially concentrated Cham culture forming a self-governing society in Cambodia and nothing suggests today that Cham aspire to forming one in the future. Cham do not consider themselves indigenous in the lexicon sense of having been in Cambodia before the Cambodian state nor have they been isolated in the process of state-formation. They were defeated in this process by the Vietnamese state. This is the main reason for Cham being in Cambodia today and it is significant to contemporary Cham identity as not only a stateless but also a homeland-less people. Cham do have the kind of claims rooted in history and homeland that the international concept of indigenous peoples highlights, maybe unduly so, but what is distinct about Cham is that they have these claims only in Vietnam.

In its traditional interpretations, international law has nothing to offer to Cham
in Cambodia, the country in which the majority of them today struggle for the maintenance of a diverse, distinct, and distinctly non-state, societal culture. Cham self-identification is not limited to traditional interpretations, however, and this may point to the larger shortcoming of the international framework, which has made self-identification as “indigenous” not only the most rational but, ironically, also the most truly modern choice for any national minority.

There are Cham communities in virtually all of Cambodia’s provinces but not in one of the 24 provinces do Cham people form anywhere close to a majority. Many Cham people are highly mobile across and beyond Cambodia and do not seek most of the rights indigenous peoples have in international law, suggesting that contemporary Cham aspirations in Cambodia have little territorial implications. Yet the only option to seek international protection for group-related interests Cham people plausibly have in Cambodia is by identifying as an indigenous people. This may seem unlikely and none among the considerable number of international organizations in Cambodia has suggested identifying Cham in this way. But it is not inconceivable. When asked by the government of Switzerland whether the Roma (a transnational and fairly mobile minority group whose members live mainly in Europe) are covered under Convention 169, the ILO responded that it considers the convention applicable if the group identifies as “tribal.” If self-identification is all that separates Roma from a tribal people, this would conceivable be the case for Cham, too, and not only in Cambodia.

The strength of international indigenous rights instruments may thus be the biggest obstacle to their adoption in Cambodia, as elsewhere in Asia. A right to self-determination is much stronger than what Cambodia’s national minorities are seeking and it also is more than is politically realistic to expect. The kind of accommodation Cham enjoy in Cambodia appears to be a better match for their contemporary aspirations than seeking self-governance. Claiming indigenous rights could well risk the terms of current Cham accommodation with the Cambodian state.

There is no instrument in international law short of self-determination that provides protection for the kind of group-related interests that highland peoples and Cham appear to have in common, namely to maintain distinct cultures, if a less territorial one in the case of Cham. International law offers highlanders, as well as Cham, an unhelpful choice between too much and nothing. The concern that recognition of highland cultures as indigenous peoples could encourage autonomy claims by other groups is thus conceivable in Cambodia. But it remains an unlikely prospect and it would be manageable, presenting little risk to the state even if it occurred.

The idea that public recognition of some minorities would get a state on a
“slippery slope” of escalating minority rights claims and divisive “ethnic” politics that could threaten the unity of its population is sometimes invoked by opponents of liberal multiculturalism. But modern states are inevitably and thoroughly “ethnic” and it is more plausible to think that the alienation of minority members in nationalizing state institutions creates a “slippery slope” that undermines the unity of its citizenry. But even if this first account is accepted, what is distinct about Cambodia’s cultural diversity is not that the possibility of a slippery slope does not exist, but that the slope is very short and not very slippery. What sets Cambodia apart is that geopolitical concerns are present on a scale that is so low that they can be managed securely within the general framework of the kind of state Cambodian is and within the international framework despite how deficient and incomplete it is. This configuration is rare indeed.

**Khmer Kampuchea Krom and the Fatal Success of Internationalizing Indigenous Rights Claims**

One does not need to look far to find the difference. Khmer Kampuchea Krom in Vietnam consists of a multi-million-strong group of ethnic Khmer, numbering twice the total of all cultural minorities in Cambodia combined. Khmer Kampuchea Krom is close to a textbook-case of a sub-state nation in Asia. The main reason for this is closely linked to Cambodia. Most attempts to define “indigenous people” exclude groups that have an ethnic kin-state, which is what Cambodia is for Khmer Kampuchea Krom. The geo-political implications that come with kin-states are among the main reasons for the UN’s failure to establish norms that respond to the autonomy aspirations of sub-state nations. Tradition does not, however, limit Khmer Kampuchea Krom in its possible self-identification, in the absence of an agreed upon definition for “indigenous people.” Relevant international instruments make such self-identification the most rational choice to claim rights under these instruments. This is indeed happening. Morally, distinctions between Khmer Kampuchea Krom and indigenous peoples may be as arbitrary as the border line is between Cambodia and the Mekong Delta. Politically, the latter is a fact of modern life but not the former.

The internationalization of minority rights plays out differently in Vietnam and Cambodia. Indigenous rights claims are based on a history of prior occupation of a kind that ethnic Khmers have in the Mekong Delta but that ethnic Vietnamese do not have in Cambodia. Liberal multiculturalism, too, would suggest that both groups, Khmer Kampuchea Krom in Vietnam and ethnic Vietnamese in Cambodia, belong to different categories, the former having the right to maintain their culture in Vietnam, while the latter not having the same right in Cambodia, at least not in the form of territorial autonomy and language rights. In fact, the great majority of
Cambodian citizens belong to cultures that have these kind of claims in Vietnam, namely Khmer, Cham and some highland people, while very few if any Vietnamese citizens have such claims in Cambodia.

In contrast to many Asian states, there are also no national minorities in Cambodia that have a kin-state across the border. This means that one of the biggest geo-political obstacles to the adoption of liberal multiculturalism does not exist here. Not only is the potential and perceived threat to the majority culture from adopting liberal multiculturalism smaller in Cambodia than in virtually any other state in Asia, the potential gains for the Khmer majority culture from liberal multiculturalism being adopted regionally are greater than they would be for most of the other states. The Cambodian Constitution’s conception of citizenship is at least as inclusive of Khmer Kampuchea Krom as it is of highland peoples and Cham. The Khmer of Khmer Kampuchea Krom are considered Khmer citizens when in Cambodia. In a world of nationalizing modern states, the interest of the Khmer in Khmer Kampuchea Krom have in access to Khmer culture can only be protected by moving either the border or the people. In a liberal multicultural framework, the Khmer of Khmer Kampuchea Krom are Khmer citizens to the fullest sense possible in a modern Vietnamese state.

Liberal multiculturalism highlights important similarities between Khmer Kampuchea Krom in Vietnam and highland peoples in Cambodia. Whatever reasons the Khmer in Khmer Kampuchea Krom have for seeking protection for their culture in Vietnam, and whatever reasons Cambodians have in being supportive of it, are as much the same reasons for protecting highland cultures in Cambodia. The fact that the Khmer of Khmer Kampuchea Krom can identify as indigenous people in Vietnam highlights the liberal multiculturalist point that minority rights are not primarily about the minority group’s culture or its level of economic development, but rather the relationships it has with the state and what kind of state it is in.

**Cambodian and Liberal Multiculturalism: Some Differences**

The international community has, since the start of its involvement in Cambodia in the early 90s, been engaged in a substantial effort to promote liberal multiculturalism. Most of this effort has been aimed at enhancing indigenous rights for highland peoples. If the application of those norms really is a feasible policy choice, one of the interesting questions is why there is so little evidence of that choice being made in Cambodia. The remaining sections highlight some differences between liberal multiculturalism and the multiculturalism that is emerging in Cambodian law.
Concession to Pre-modern Demands vs. Progressive Response to Modernity

As Kymlicka demonstrates, liberal multiculturalism is presented by the international community not as a concession to demands rooted in pre-modern forms of tribalism and ethnic nationalism, but rather as a progressive response to the challenges raised by distinctly modern forms of ethnic identity and ethnic politics (Kymlicka 2007: 178).

This does not resonate well with Cambodian conceptions of cultural diversity, which emphasize linguistic and institutional integration of highland peoples as the most liberal, progressive and adequate response to these groups’ distinct, pre-modern condition. As such, the multiculturalism emerging in Cambodian law, hesitantly, is widely seen by government officials as a concession to the international community’s demands for greater compliance with foreign conceptions of citizenship and diversity. At the time the Cambodian government committed itself to some sort of domestic recognition of indigenous peoples it was likely not aware of the full implications this concept is meant to have in international law and was almost certainly not intending to commit the state to the substance of these norms.

Consider the land law (2001), preparation and implementation of which was and is greatly supported by various international organizations. The law includes a (donor-driven) provision for indigenous peoples to own their land communally. Because indigenous peoples are not legally recognized in Cambodia, a process for their establishment and incorporation as legal persons is now being piloted in three indigenous villages, based on the land law. Consider the definition of “indigenous community” in article 23:

a group of people who reside in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.

In one plausible and indeed apparent interpretation, this definition does not acknowledge that there are minority groups with distinct cultural identities, languages and institutions in Cambodia. Arguably, the majority of ethnic Khmer citizens live in communities in which considerable measures of unity and traditional lifestyles are evident. Cultivating the lands in one’s possession according to rules could be much like having a Ministry of Agriculture, a Ministry of Land Management and a National Forest Administration. “Collective use” is not unlike management of public goods for individual benefits.

Comparing this definition in the land law to the preamble of Cambodia’s Constitution helps identify important differences in the two documents’ underlying
concepts of culture. The preamble presents a description of the larger community that is the people and citizenry of Cambodia:

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 defense of Cambodia’s territory and precious sovereignty and the fine Angkor civilization, and the restoration of Cambodia into an “Island of Peace” based on multi-party liberal democratic responsibility for the nation’s future destiny of moving toward perpetual progress, development, prosperity, and glory …

This conception of the people of Cambodia is rather mono-national, as it does not acknowledge any cultural diversity. However, while the conception is not very “multi,” it is very “cultural” and surprisingly liberal-democratic, the latter in strong contrast to constitutional practice in Cambodia. Nevertheless, one of the main points the preamble is making, more strongly than most liberal multiculturalists do, is that the protection of culture is the best and among the most liberal reason for having a state in the first place. The preamble does not say that being Khmer is a pre-condition for accessing the past greatness, current modernization and future glory of Cambodia. This should not however distract from the vast differences that exist between liberal principles and political practice in Cambodia, not least as they relate to the accommodation of cultural diversity.

**We, the Khmer Cultures of Cambodia**

Historical incorporation and contemporary relations between most states and most national minorities are characterized by high degrees of mistrust and violence. This is a profound obstacle for the implementation of liberal multiculturalism. These tensions are present in Cambodia but on a much lower scale than in virtually any other state in the region. There are of course high degrees of mistrust and violence in recent Cambodian history, particularly during the Khmer Rouge period. What is distinct about the violence and mistrust during this period, however, is not only how extreme it was but, how universal it was. State-nation-building destroyed societal institutions of all cultures, including the majority. Importantly though, this period did not destroy the language of the majority, but promoted it by oppressing all others. The Khmer Rouge was more Khmer than it was Rouge and Cambodia would be less Khmer today had those less than four years not happened.
In many cases, only after the Khmer Rouge did state-minority-relations not require interpretation. Victimization from Khmer Rouge nation-destroying did not depend primarily on cultural membership and made cultural differences look secondary. The universality of this shared experience of violent atomization made trust between members of different Cambodian cultures more conceivable, because it made the Cambodian nation more imaginable. The narrative of “We, the destroyed people of Cambodia” that is prominent in the Constitution’s preamble refers to an experience so universally shared among members of all of Cambodia’s cultures that it made “We” more possible than it ever was before. It made “We” fit into a “Khmer” conception of citizenship. But the linguistic equivalent of this “Khmer” conception of citizenship is that the Khmer language is the sole official language in which all public institutions are supposed to operate.

**Misrecognizing Indigenous Peoples: Backwardness, not Culture**

The Constitution’s preamble describes all Cambodians as “resolutely rallied and determined to unite for the consolidation of national unity.” Article 52 charges the government with adopting “the policy of national reconciliation to insure national unity, and preserve the good national traditions of the country.” According to article 47, children have the right to take care of their parents “according to Khmer traditions.” What all of this clearly demonstrates is that “ethnic, social, cultural and economic unity” as well as an interest in preserving traditions is publicly assumed to be manifest in all citizens, provided for and promoted by the state and expected from members of all of Cambodia’s communities. It is not a feature unique to indigenous peoples. If a public interest in maintaining distinct cultures indicates collectivism, then the Constitution offers no apparent reason to think that the cultural majority in Cambodia is any less collectivist than are highland peoples.11

Rather than cultural differences, what the definition of indigenous community in the land law as well as public discourse on highland cultures tend to make out as the main contrast to the mainstream society is a civilizational difference: a difference between modern, developed, individualist Khmer citizens, on the one hand, and on the other, actual or potential Khmer citizens who follow tradition and a way of life that is regarded by some as an authentic manifestation of pre-modern Cambodian society. Highland peoples are widely imagined as genuinely and pitifully pre-civilization Cambodian relatives, with members living isolated and unchanged lives at the pre-modern margins of historical Khmer civilization. Highland peoples remain in what once was a forested mountainous wilderness at the geographical margins of the Cambodian state, but are at the margins of nation-building no more. Neither in the land law nor in Cambodian public imagination does much space exist for such a thing as a modern indigenous
community or an individualist highlander. It is not uncommon for state officials to point at indigenous persons using cell phones or having a university degree as irrefutable proof that indigenous peoples desire integration into Khmer society.

The Constitution links Cambodian citizenship to modernization, democratization and liberalization, suggesting that all Cambodians share a “multi-party liberal democratic responsibility” for “moving toward perpetual progress, development, prosperity, and glory.” Little indicates that this is less accurate a description of indigenous peoples’ aspirations in Cambodia than it is of those of the Khmer majority. Yet in strong contrast to the Constitution, the land law links membership in indigenous communities to an unchanging, seemingly pre-modern and potentially illiberal, collectivist and undemocratic past. The idea of liberal multiculturalism, in contrast, is not to protect groups from modernity, democracy or liberty, but to enhance the enjoyment of the benefits of those by members of all Cambodian cultures, as the Constitution suggests, and within their own cultures if they so choose. Recognizing highland peoples on the land law’s terms potentially deprives those societies not only of a modern or liberal but of any viable future.

As was discussed earlier, it is a distinctly modern feature of states, namely, nation-building, that creates conditions that require autonomy and language rights for highland peoples, as a matter of basic justice and reciprocity between groups. It is a fact of modern, not pre-modern, political life, that no group of people lives on lands not claimed by nationalizing states. Had pre-modern circumstances persisted to this day, there would not have been a need for protection of the distinct languages and institutions of minorities. The “fine Angkor civilization” referred to in the Constitution was inevitable a highly diverse entity containing multitudes of peoples and ethnic groups, whereas the imagination of a singular “nation” or national community that independence or the 1993 Constitution could restore in public imagination as a sovereign nation-state did not exist before the twentieth century. Highland peoples were accommodated as sovereign homeland groups in the outstanding civilization to which Cambodians are historically accustomed. This civilization could not have existed without a great ability to accommodate extraordinary levels of multinational and polyethnic diversity.

A related tension with liberal multiculturalism involves the level of the state at which minorities are incorporated. The land law recognizes indigenous peoples at the level of the community, which pilot projects suggest is meant to refer to the village level, even where the entire commune, district or even province is the homeland of one or more indigenous groups.

In contrast, liberal multiculturalism suggests incorporation at the level of culture, where language is shared, rather than particular values and conceptions of the good, in order to ensure members’ ability to question and revise particular
values or beliefs (Kymlicka 1995: 93). Aside from the potential to undermine members’ liberties, village-level incorporation divides indigenous cultures into numerous political subunits and is likely to lead to their further fragmentation, severely inhibiting those groups’ ability to consolidate and institutionalize their societies and to maintain them under conditions of modernity.

_Pseudo-liberal Multicollectivism_

What is liberal about liberal multiculturalism is that minority rights operate within the constraints of universal human rights of individuals and are designed to enhance their enjoyment by all citizens. In Kymlicka’s interpretation, liberal multiculturalism is the twin idea of “equality between groups” and “freedom within groups” (Kymlicka 1995). In this view, only minority rights that don’t impede on individual freedoms are justifiable. In contrast, notions of collectivism put the interest of groups above the liberty of their members and tend to directly contradict liberal principles that prioritize individual freedoms over the claims of groups on their members.

The land law gives considerable power to traditional authorities, by making “exercise of all ownership rights related to immovable properties of a community and the specific conditions of the land use … subject to the responsibility of the traditional authorities and mechanisms for decision-making of the community, according to their customs.” While there is no obvious indication that empowering traditional authorities of Cambodia’s highland peoples would threaten human rights of group members, there also is no evidence that individual human rights are among the state’s concerns when considering minority rights. An absence of concern for human rights is also suggested by the definition of who is a member of an indigenous community, a person who meets the ethnic, cultural and social criteria of an indigenous community, is recognized as a group member by the majority of such group, and who accepts the unity and subordination leading to acceptance into the community.

There is a possibility that acceptance of “unity and subordination” as a condition of membership in indigenous societies makes the human rights of its members vulnerable to abuse. Empowering group leadership in this way to impose their interpretation of tradition and customary decision-making on group members leaves individual liberties of those members vulnerable to being subordinated by unchecked and unchallenged exercise of authority in the name of group unity.

A right to exit minority communities is routinely considered to be among the criteria that distinguish liberal from other forms of multiculturalism. A right to such exit is provided under article 27 of the land law:
For the purposes of facilitating the cultural, economic and social evolution of members of indigenous communities and in order to allow such members to freely leave the group or to be relieved from its constraints, the right of individual ownership of an adequate share of land used by the community may be transferred to them.

The law does not appear to be very concerned about the “cultural, economic and social evolution” of highland peoples’ as members of a community. Rather, it is consistent with a conception of indigenous communities as groups in which such evolution does not take place. It suggests that leaving indigenous communities and individualizing land ownership facilitates the evolution of its members, while implying that remaining in indigenous communities does not.

In contrast, the main premise of liberal multiculturalism is that minority and majority members alike need secure access to their own culture to facilitate individual “cultural, economic and social evolution.” This is also what the preamble suggests when it links all the people of Cambodia to historically self-governing society in the past and glorious liberal democracy in the future by means of preserving, promoting and modernizing distinct cultures in the present. Nationalizing states provide secure access to citizens’ own culture, and the security of effortlessly belonging to it, for members of the majority only. Liberal multiculturalism suggests that access to one’s own culture is so profoundly important for individual well-being and autonomy that it should be secured by states for members of minority cultures as well. Self-government and language rights are needed to protect and promote not only equality between groups but also freedom within groups, that is, the “evolution” of its members.

The benefits of cultures, institutions and languages are indeed enjoyed communally but they are also enjoyed by individual members who speak those languages and participate in those institutions and cultures. Linking the aspirations of highland peoples to notions of collectivism is particularly unhelpful in Cambodia, where those notions are considered obsolete from the top to the bottom, after being universally discredited by the tragic failure of Pol Pot policies. Cultures need protection because of the profound interest members have in secure access to them. If not for the benefit of individual citizens, liberal states have little reason to maintain any culture. There is nothing inherently collectivist about the interest people have in access to their own culture and much of the need for protecting it is distinctively modern. There is not, in contrast, much that is liberal or multicultural about the land law’s provisions for communal title.

Cultures, customs and traditions are not static but fluid and they change for as long as they exist, in response to changing environments and exchanges with other cultures as well as to internal contestations and dynamics resulting from individual...
members challenging, re-interpreting and rejecting particular traditions and
customs. The conception of culture underlying the Constitution recognizes this and
provides citizens with the freedoms needed to develop and modernize their
cultures. However, the definition of indigenous communities in the land law
potentially deprives Cambodia’s highland peoples and their members of the same,
because of the absence of protection to prevent members’ freedoms from
diminishing, as a result of either increased state capacity for nation-building or
unduly empowered traditional authorities. There is no apparent indication that
highlanders are less freedom-seeking than other Cambodian citizens. Little suggest
that many highland people do not want to enjoy liberty and modernity within their
own cultures. They should not have to choose between their culture and their
freedom. They also should not have to choose between their culture and
modernity. They should not because no other Cambodian has to. Indigenous
peoples’ liberties should not be subject to more limitations than those that apply to
everyone else’s, as the non-discrimination principle in the Constitution highlights.

The definition of indigenous community in the land law suggests that highland
peoples are not just given the freedom to remain authentically “traditional” and
continue to cultivate their lands collectively according to custom, but are required
to do so if they want to maintain recognition as indigenous community. Conversely,
it implies that community members, by exercising their freedoms under the
Constitution, prove that they do not want to maintain their culture. The benefits of
recognition are made dependent on highland peoples and their members
abstaining from exercising their constitutional freedoms and modernizing their
cultures. Making recognition and protection of indigenous peoples dependent on
members preserving a past state of development is inconsistent with liberal
multiculturalism and international law. It is also inconsistent with the
Constitution’s notions of culture and freedom. It is a conception that pretends to
uphold liberal values and to accommodate cultural diversity, while prioritizing the
unity of collectives over the liberty of group members without protecting the
interests of minority citizens in having access to their culture. What the state and
the international community appear to have ended up supporting is not liberal
multiculturalism but some kind of pseudo-liberal, pseudo-cultural, mono-national
multicollectivism.

There is no easy way of knowing how this profound mismatch with actual
minority aspirations as well as with liberal multiculturalism could have occurred. In
part, it demonstrates how much more limited the autonomy of the international
community is at the country level, compared to the global level, even in a state as
dependent on the international community as Cambodia, and a state that looks like
it has more to gain than to lose from the adoption of liberal multiculturalism. In no
small part, misconceptions about indigenous peoples may be due to the absence of consultations and participation in highlander-state relations, as well as multicultural misunderstandings between the Cambodian state and the international community about the nature and aims of an adequate minority policy. It is plausible to think that partly it is the result of a struggle to accommodate linguistically and institutionally distinct cultures within narrowly defined Khmer citizenship.

**Aggressive Modernization**

Liberal multiculturalism promotes minority rights that are meant to allow minorities to maintain their distinct cultures, principally into the indefinite future if they so wish. In contrast, distinguishing indigenous communities by their state of civilization or economic development suggests that accommodation is inherently transitional and temporary. To see how profoundly divergent the policy choices suggested by this difference are, consider a recent article in a local newspaper.14

Prime Minister Hun Sen said yesterday that by 2015 the northeast of the country will become the nation’s fourth focal point for industry and commerce after traditional economic powerhouses Phnom Penh, Siem Reap and Sihanoukville. “The areas of Stung Treng, Ratanakiri, and Mondulkiri provinces and other parts of Kratie and Preah Vihear provinces will become the fourth economic ‘pole’,” he said yesterday during the inauguration of National Highway 7 and Sekong Bridge in Stung Treng province.

The vast potential of natural resources in the Kingdom will transform the livelihoods of the ethnic minorities currently living there, said the premier. “For example, hydroelectricity is not only able to supply power to local markets, but also neighboring countries,” he said. “The northeast region is rich in mine deposits which can be exploited …. This is also a big tourist destination for Cambodia.

The geographical areas the Prime Minister refers to are the part of Cambodia that is home to most of the country’s indigenous peoples. National Highway 7 has just been turned from a dirt road into a modern highway by Chinese companies and funds. It now connects Cambodia’s economic powerhouses with China’s industrial south, opening up easy access to the traditional homelands of Cambodia’s indigenous peoples along the way. The livelihoods and homelands of ethnic minorities “currently” living there will be transformed by the exploitation of the “Kingdom’s” natural resources. At the end of the statement, ethnic minorities have disappeared from the landscape in which they currently live. This is not because they have been removed from it but because the transformation and modernization of their livelihood means they are ethnic minorities no more.

The plan the Prime Minister describes is part of precisely what liberal multicul-
turalism and international law suggest indigenous peoples need protection from. It also has important similarities to what many ethnic Khmer blame the Vietnamese state of doing to the Khmer in Khmer Kampuchea Krom. Yet this plan is considered so noble and modern a project that it merits highlighting just a few months prior to national elections. The article goes on to quote a prominent Cambodian economist with approval, and reports the concern of a prominent opposition politician that such developments may re-enforce inequalities between the rich and the poor. The article quotes no member of any of the ethnic minorities currently living there and no one with disagreement other than on how to best put the plan into practice.

**Normative Frame: Historical Injustice and Radical Cultural Difference?**

One line of argument frequently pursued in defense of greater rights for indigenous peoples highlights the greater scale of historical injustice those groups are said to have endured (Anaya 1996). The value of this argument is limited in Cambodia, because the scale of violence and coercion involved in the territorial incorporation of indigenous peoples’ lands was significantly lower than it was in the New World. In addition, the universality of historical injustice experienced by all Cambodians more recently distracts from the particular, added dimension of decline, suffering and destruction historically and contemporarily experienced by highland peoples from incorporation and nation-building policies. Indigenous peoples as well as national and immigrant groups, minorities and majority culture almost alike have endured so much historical injustice that the scale of it is not the most plausible or useful way of distinguishing between them.

The historical injustice argument also does not fit well into the normative frame in which multiculturalism is discussed in Cambodia. The incorporation and integration of highland peoples is generally not seen as unjust. To the contrary, it is seen as a noble project that facilitates indigenous persons’ access not only to majority societal institutions but to modernity and individual “cultural, economic and social evolution.” In addition, the historical injustice argument presents the liberal multiculturalist with a slippery slope of its own. In the West, this historical injustice argument generally works in favor of minority rights. In Cambodia, historical injustice is routinely invoked to highlight the rights of the majority vis-à-vis minorities, specifically to justify depriving ethnic Vietnamese of citizenship rights.

Another argument widely invoked to justify stronger rights for indigenous peoples is to assert a radical cultural difference between such peoples and the majority society. In Cambodia, however, the differences between Khmer and highland peoples are often not in apparent ways radical and the argument would at least as plausibly single out the Cham. Moreover, the radical difference argument
resonates well with Cambodian ideas of a civilizational difference that should be narrowed. Similarly, indigenous peoples’ greater vulnerability to development is routinely invoked to justify specific measures. But this argument is easily turned around to suggest their integration into Khmer society as the most adequate way to reduce vulnerabilities. In most of their variations, those arguments support only temporary measures aimed at integration. They are of little help in fairly differentiating between minority cultures and aspirations and in making public policy more responsive to them.

**Decentralization, not Diversification of Khmer State and Citizenship**

As was pointed out earlier, realizing the aspirations and rights of national minorities requires a differentiated conception of citizenship and a decentralized state in which powers relevant to the maintenance of minority cultures are devolved to political sub-units substantially controlled by them. As Kymlicka observes, the international community is now presenting autonomy arrangements of this kind as a more “modern” approach of governance “in which a more fragmented, diffuse and multi-level conception of statehood and sovereignty has become the norm” (Kymlicka 2007: 31).

A more multi-level conception of statehood has indeed become a norm that is manifest in the reform of the Cambodian state. The government’s Decentralization and Deconcentration (D&D) Reform represents an ambitious, if in practice incremental, effort to decentralize a unitary state, to empower and democratize local commune councils, and in the near future, indirectly elected councils at district and provincial levels. However, despite lip services, D&D has not so far meant the adoption of more multilingual or multicultural or otherwise more diversity-friendly conceptions of statehood and citizenship. As an indication, no D&D-related law provides for any language other than Khmer to be used in local or sub-central governance and there is no mentioning of minority languages, institutions, customary laws and practices or representative organizations. Instead, candidates for local representative offices are required “to read and write Khmer script.” Rather than accommodating diversity, D&D is at the cutting edge of a process aimed at consolidating the institutions and permanent local presence in all the Kingdom’s localities of a modern nation-state, built on the societal institutions of the majority culture, operating in its language only. These systems are backed by the coercive power of the state (along with substantial international support). They directly overrule and undermine the authority of minority institutions and destroy the institutional resources necessary to their maintenance. Notions of “fragmented” or “diffuse” conceptions of statehood and sovereignty have little appeal, as they describe deviation from precisely the kind of state the government is building.
D&D reform is at the forefront of a nation-building project that guarantees the perpetuation of Khmer culture and the destruction of minority cultures at the same time, a system that privileges members of the Khmer majority and profoundly disadvantages members of minority cultures.

Yet the larger problem with Cambodia’s kind of state is that justice or law are not its primary concerns. In this kind of state, the main problems are not the constitutional provisions, the distributions of powers between state levels or the choice of official language. The above analysis suggests that in the kind of state Cambodians aspire to, and the government claims Cambodia is, liberal multiculturalism is a feasible and plausible policy choice, more so than in most Asian states. In Cambodia’s kind of state, it is not. But even if Cambodia were to become a liberal democracy overnight, major tension between Cambodian, Western and international conceptions of ethnocultural justice and minority rights would remain.

Conclusions
Existing provisions do not suffice to protect Cambodia’s minority cultures from unjust nation-building. A greater degree of self-government should be provided to enable those groups to maintain their existence as distinct societies if they so wish. Liberal multiculturalism suggests incorporating national minorities based on the Constitution’s conception of culture and based on a notion of non-discrimination that tries to remove disadvantages, including through the recognition and incorporation of separate institutions and cultures. Liberal multiculturalism suggests that justice for Cambodia’s minority cultures requires a multinational and asymmetrical conception of decentralization, aimed at accommodating minority cultures by diversifying Khmer state and citizenship. Such a conception would incorporate indigenous groups and their societal institutions at the level of their culture. It would protect territorial concentrations of highland peoples by devolving essential powers to subunits substantially controlled by them. Reforming the framework for D&D reform appears to be among the more practical and realistic opportunities to create some measure of self-government for indigenous peoples and enhance their control over themselves and their cultures’ change.15
Notes
1. I would like to thank Katrin Seidel and Chen Sochoeun for commenting on earlier versions of this paper and Peter J. Hammer for doing so multiple times. Remaining mistakes are mine. This research was made possible by a doctoral scholarship from the Friedrich-Naumann-Foundation and support for field research from the Cambodia-Office of the Heinrich-Böll-Foundation.
2. Kymlicka’s conception was chosen because the author discusses the relevance of liberal multiculturalism in Asia specifically and his work is closely studied among many scholars of multiculturalism in Asia.
3. It is worth mentioning that other theorists of multiculturalism base their theories on a similar distinction between immigrant ethnic groups and incorporated national minorities, such as Spinner 1994 and implicitly, Taylor 1994.
5. Indeed, ILO Convention 169 has inclusiveness built into it, by adding “tribal peoples” as a distinct category to “indigenous peoples” and assigning to groups in both categories the same comprehensive set of positive minority rights. The declared reason for doing so was to be able to extend protection to groups such as pastoralists and other nomadic and semi-nomadic groups in Asia and Africa that may not have claims to prior settlement or whose claims to prior settlement may be hard to validate.
6. Ample evidence of this historical fact is carved into temples around Angkor Wat that depict epic battles between pre-modern Cham and Khmer states.
7. Cham share with Khmer a national narrative of lost greatness to which Vietnam is essential as the Other. This has plausibly facilitated Cham accommodation in Cambodia. Cham are a people made stateless by Vietnam. Khmer are a people jealously guarding their precious state sovereignty to protect against the perceived risk of sharing the same fate. The existence of Cham in Cambodia (and Khmer Kampuchea Krom in Vietnam) attests to the possibility and likely reinforces the perception.
9. For how long such a slope could be, consider that anywhere between 2% to 60% of the population in Indonesia can be considered indigenous peoples, depending on which definition is used for counting. For how slippery it may get, consider Tibetans, Palestinians, South Ossetians and Kurds, among many other examples of sub-state nations.
10. One more thing that is distinct about Cambodia is the extent to which not only indigenous peoples but also the majority culture manages land and natural resources according to custom, the former because they do not write down their laws and the latter because it does not enforce them. What is distinct is that effective public rules (and public goods) are features of minority systems of management more than they are features of state institutions.

11. Conversely, if unity, tradition and collectivism justify rights to communal title for hill tribe communities, there is no reason to deny the same to other Cambodian communities in which those features are evident, too. Nothing in the text of the land law justifies excluding those communities from the definition of indigenous community and the benefits of communal title. But neither tradition nor collectivism are particularly good reasons to justify minority rights.

12. Indeed at one point in the piloting process, the Interior Ministry suggested that recognition would be given only for a period of five years, by which time a review would be undertaken to determine whether the pre-conditions for recognition still existed.

13. The land law has been the main focus of international efforts to provide protection for indigenous peoples in Cambodia. Given the rapid pace of land alienation among indigenous communities and the extent to which the maintenance of their distinct culture depends on preventing it, it was sensible to prioritize secure land tenure and it probably was sensible to emphasize the communal character of land and resource use. However, the conception of indigenous communities in the land law has since become the legal basis for indigenous peoples’ incorporation into the state.

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