

ASEAN in Laos: Challenges of Leadership, Human Rights, and Democracy

Remarks by Ng Shuimeng at FCCT in Bangkok, Thailand

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Dear friends, 30 August each year marks the International Day of the Disappeared, and each year when this day comes around, human rights groups and the United Nations Organizations stand up in solidarity with the victims of the disappeared and urge leaders all over the world to stop enforced disappearances and return the disappeared to their loved ones. Today's event at the FCCT is to remind everyone here that Sombath Somphone is still disappeared.

For your show of continued support and solidarity, I would like to say thank you. Thank you, especially to all the human rights organizations who have partnered with the Sombath Initiative to organize this event, and thank you to all the media friends, for despite the passing of time, you have continued to show interest and followed up on the unresolved case of Sombath's disappearance. Many of you have continued to write or broadcast the issue through your media channels. Such solidarity and support demonstrate your commitment to justice and human rights - which, as we all know, is unfortunately under a lot of pushback in recent times, not only in Laos, but also across the region.

On the case of Sombath's disappearance, I am sorry to say I have no new information to share, except that the Lao Government has continued to stonewall any queries to his whereabouts. The government continues to maintain that "the state is not involved and the police are still investigating". But for all their investigation, I have not seen any report, nor have I been contacted by the police for any update for more than two years.

The lack of any new information has been psychologically and emotionally draining. Not only is it extremely difficult to bear, it is also increasingly challenging for me to sustain support from the diplomatic community, the UN, the media, or even Sombath's friends and family inside or outside Laos. I believe that is exactly what Sombath's abductors want. Let the passing of time erase the memory of Sombath's disappearance.

But, should we allow the memory of Sombath's disappearance to be erased? Should we let the perpetrators of such injustice win? I hope not.

And bear in mind that in Laos it is not only Sombath who has disappeared; there were cases of enforced disappearances in the past, and there are still cases on

disappearances now. Last year in 2015, a Polish citizen of Lao ethnicity was reported by his Polish wife that her husband had disappeared while visiting Laos. Upon repeated queries from the Polish Embassy, the police admitted that they had arrested him for posting critical comments on Facebook. He was subsequently charged in court and sentenced to prison for 4 years 9 months. Then in March this year, three young Lao migrant workers who returned to Laos to renew their passports were disappeared. Later they were surfaced and shown on TV in prison garb “confessing” that they had used the internet to “defame the government”. Till today, these three have not been charged in court, and their parents have not been allowed to visit them.

Many Lao people do not even know about such cases because the highly controlled media does not report on them. For those Lao who know about these cases, and other cases of human rights violations, many prefer not to talk about them for fear of inviting the unwelcome attention of the security forces, or worse put themselves at risk of police reprisals.

So given Laos prevailing repressive and fearful atmosphere, and general disinterest by the public to voice concern on human rights abuses, is there any hope for change? That is a question I have been asking myself?

Laos has historically resisted change and has been very slow to change. Part of the reason for resistance to change, is that the Lao Communist Party has had a very slow leadership transition. Many of the top Lao leaders were hailed from the first generation revolutionary fighters. And even after they retired, they still have very strong influence over Party and Government’s policies and decisions. For example, even today, former President Khamtay Siphandone, is said to still exert substantial influence over major Party decisions. Nonetheless, like it or not, mortality is slowly taking its toll on the first generation leaders. Slowly but surely, one by one many of them have passed on.

It is clear from the 10th Party Congress held in January this year, the leadership torch is being passed on to a younger generation in both the Politburo and the Cabinet. While the post of Party Secretary and President is still held by a first generation revolutionary and a former general, Bounhyang Vorachit, the cabinet has quite a number of younger ministers who are also more educated and less linked to the first generation old guard. For example, Thongloun Sisoulith, the former Foreign Minister, a second generation revolutionary leader, now heads the Cabinet as its Prime Minister and is now the second highest ranking person in the Politburo.

Would such leadership transition lead to some positive change? Many Lao think so. Since Thongloun Sisoulith became Prime Minister in April this year. Already he has taken a number of actions that have won the hearts and minds of many Lao - for example, he has taken strong actions to halt export of timber and illegal wild life trade; and openly talked about corruption among government officials for causing

tax leakages. He also issued a temporary halt on approving any new public infrastructure projects, until after a thorough inspection and report of the status of outstanding projects. All these actions have won cautious praise from the public. Will this trend continue? Will success in tackling some of these issues give the new government confidence to take on some other “hot button” issues like illegal land concessions, address abuses of forced evictions without proper compensation; stop environmental contamination through indiscriminate use of banned chemicals; and so on?

The opinions expressed by observers inside Laos are divided. The more skeptical observers are of the opinion that all these actions are cosmetic and not very different from similar promises made by the previous government when it first came into power. The skeptics say, once the new government has become more entrenched, it will be business as usual. However others, the optimists, say this time round, it will be a little different. The optimists say, this time there is some real desire to address the worst form of corruption and misuse of power by provincial authorities. This latter group also say that the younger ministers are more open to change and have a more international outlook than many of the old-timers. The younger ministers are very aware that even though the Lao public would not overtly criticize government abuses, there is real anger among some segments of the population that have been most severely affected by the misuse of power. They are also aware that even if the media inside the country is controlled, many Lao people now have more access to international media and social media. And these younger leaders know that the regime cannot completely block out the influence of social media and its influence on the young.

Another factor stems from sheer pragmatism of regime survival in an increasingly more integrated world. Laos wants to project an image of a modernizing state. The regime badly wants Laos to become better integrated into the regional and global economy, increase confidence of investors and to continue to attract donor funds. To do this Laos needs to improve its business and management image and attract more high-level investments beyond resource extraction related investments. Laos knows that to attract these kinds of investments, Laos would need to improve transparencies in investments laws, better and more efficient public management systems, and increased human resource capacities.

But what about issues related to human rights, expansion of civil society space, and democracy? Can we expect much change? Most observers are not too optimistic that there will be much improvement.

However, in just a couple of days, Laos will in the limelight - it will play host to the ASEAN Summit Meeting. A lot of attention will be focused on Laos. There has already been a lot of articles in the press speculating what kind of leadership style and substance Laos will show at the Summit Meeting, and how Laos will handle a number of sensitive regional issues like the issue on the South China Sea, its vision on advancing the concept of building a People Centered ASEAN Community, as well

as other trade and investment issues. And for human rights and civil society organizations, attention will focus on what kinds of statements Laos will or will not make on addressing issues related to human rights, freedom of the press and engagement with civil society.

Judging from all the preparations done so far, the Lao Government badly wants this event to be a success, and to demonstrate to the world that it is a credible regional economic and diplomatic player. Also, Laos will be welcoming for the first time since the founding of the Lao People's Democratic Republic, a sitting President of the United States, Mr Barack Obama. The upcoming visit of President Obama has already created quite a buzz in Vientiane, and all eyes will be focused on what President Obama has to say at the ASEAN Summit.

In addition to President Barack Obama, the ASEAN Summit will also be attended by the Heads of States of the other 9 ASEAN Countries, as well as the UN Secretary General, Mr Ban Ki Moon, and other world leaders.

I believe that the ASEAN Summit provides some opportunities for world leaders like President Obama and the UN Secretary General, and other leaders to engage the Lao in a dialogue, apart from issues of trade and investment, to a dialogue also on issues of Laos' human rights record and other basic rights, including the importance of opening civil society space for greater people's participation. Such dialogue between Obama, the Secretary General Ban Ki Moon, and other concerned world leaders with the Lao leadership may not lead to any immediate change on these fronts, but they can at least remind the Lao that improving its human rights record and relaxing control on civil society will in fact lead to real dividend for improved economic and social development in the long run.

On a personal level, I also hope that President Obama, Secretary General Ban Ki Moon and other ASEAN leaders will directly ask the Lao leaders about the fate of Sombath. Will the Lao leaders brush off the queries by resorting to the standard response that the "police are still investigating"? I hope not. I hope this time they will show some good will and sincerity by agreeing to accept international assistance and conduct a serious and transparent investigation as to what happened to Sombath. Maybe it is pie in the sky. But whatever the response, I can never give up hope and I will not be deterred from my search.

Thank you.