

## Is International Aid Complicit in the Repression in Laos?

### To Clarify my position

The MLDH proposed to organize this conference following the publication of my book “Laos, the Silent Repression”. I wrote this testimony after my expulsion from Lao PDR end of 2012 to talk about a dark side of this country that is not enough heard about. I worked for 3,5 years in Laos as Country Director for a Swiss development organization. This book is also a way to pay tribute to the Lao men and women I had the privilege to work with and of course, to pay tribute to Sombath Somphone, friend and partner in action, who was abducted one week after my expulsion.

By sharing this experience, my hope is also to stimulate some reflection on international aid brought in a context of repression and on how to engage with an authoritarian regime without becoming complicit.

This is the purpose of the discussion today. To clarify my position :

- I am speaking from the perspective of development cooperation, because this is where I come from, and find some legitimacy to talk about.
- My intention is not to judge anyone: neither aid agencies, nor the Lao government.
- This is not a revenge, nor an anti-government campaign (something I was accused of in Laos, so you will understand that I am not going to give any argument to the Lao regime to confirm such accusation).
- However this does not prevent me from being critical and there are facts that are speaking for themselves (see latest forced public confessions and apologizes by three young Laotians arrested for posting critical comments on social network).
- Here I hope that beyond the political opinions everyone is free to form and express, there is a space for an open and honest debate on the role of the international cooperation in Laos.

Is International Aid Complicit in the Repression in Laos ?

This is a question that I have been and continue to be very concerned with. It is a complex one and I do not claim having all the answers.

But just a few words about the context : In Laos, speech is not free, information is under control, demonstrations are forbidden, and many restrictions are imposed on local associations. Just and sustainable development can not be achieved where basic rights are not respected. Because it is not up to aid agencies to define what is a just and sustainable development. It is up to the people who are supposed to benefit from it. But how to get there if people cannot speak freely, cannot get together to defend their interest, cannot access a plural information and if you do not have the right to disagree ? (Recently the Lao President reminded the Lao Front about its mission to ensure that ‘citizens are using their democratic rights correctly’).

This is resulting in a discrepancy between the official narrative of development and local communities’ aspirations, as exemplified by the “Turn Land into Capital” policy or this ambition of the Lao regime to become the “Battery of South East Asia” with the construction of large hydropower dams.

Reportage ARTE <https://www.youtube.com/watch?v=LSEI58ZWQzA> (minute 15’30 -21’30)

Words of Lao farmer in resettled village: *"The aim of the [resettlement] program is to make people better, but in reality things are getting worse. In the old village we were poor, but in another way we were not poor because we had land, livestock and food. Some officials from the district and province— they have new policies [for us] to raise chicken and other activities. If we have rice, we can do these other things— then we will have energy for raising chickens, ducks, and planting vegetables. They want us to raise chickens and ducks-- but who will look after the chickens and ducks if we need to go to Thailand to work for money to buy rice ?!"*

Hence the importance of Sombath Somphone’s work : he set-up the first non-governmental organization in Laos, worked as an educator to foster critical thinking in the mind of younger generations, and has conducted consultations in all the provinces on the issues related to sustainable development.

To come back to this conference main topic, I have through my experience in Laos come to a number of conclusions that I am sharing with you, using real examples:

- ❖ When a big aid agency is organizing an event to celebrate the Freedom of Press and gives the floor to the Lao government without saying a word about the restrictions imposed on the media in Laos, the answer is yes. Yes this aid agency is complicit of the repression, because keeping silent is not neutral :

- First, this big aid agency has allowed the Lao regime to stand out favorably by inviting its representatives to celebrate together a freedom that they seek to flout (in this case a popular radio program had just been shut down after broadcasting testimonies of villagers whose land was grabbed for an industrial plantation).
  - Then by offering a stage to the authorities to justify the closure of a radio program, this aid agency is encouraging indulgence towards abuses against freedom of expression.
- ❖ When aid providers are attending a meeting on governance with Lao officials and that no one is raising the issue of corruption, again they do contribute to aggravate the problem. Because silence is not neutral. By ignoring the problem of corruption, aid agencies are adhering to a certain version of the reality. And this conciliating attitude is having implications outside of the meeting room, at least in two ways:
- First, this silence is setting a dangerous precedent: as representative of an aid agency or an international organization, your silence is going to discourage others to raise a problematic issue. I am thinking in particular about local civil society, Lao associations, but also journalists and external observers. Besides, we should not underestimate the presence of progressive elements within the government bodies, parliament, mass organizations who could feel empowered by the critical words of a development partner to act internally at his/her level.
- But instead of setting a good example and open a window, your silence solidifies this wall that an authoritarian regime is building around any so-called sensitive issue.
- Then by strengthening the position of the authorities who have ignored certain issues, you are also strengthening their stand when they act against those who would like to disclose problems « that do not exist ». Those who dare to challenge the authorities are then labelled as “trouble-makers” who have no other objective than “to damage the image of Laos”.

**Every action or omission contribute to form your positioning. By keeping silent, one adheres to an official speech that will then be used to silence dissident voices. This is where a conciliating attitude becomes a complicit one.**

These are aspects that I have tried to highlight in my testimony “Laos, the Silent Repression”. This repression is silent, because we do not talk about it. But it is also silent because it is a repression by fear.

## The Culture of Fear in Laos

Human Rights abuses are happening everywhere in the world. I spent most of my professional life in authoritarian countries, under military dictatorship (10 years in Indonesia under General Suharto), or single political party regime (in China and Laos) and I have known Burma before it started to open up.

But there is something particular in Laos: this culture of fear which is aggravating the imbalance of powers and the lack of democratic debate.

I have tried to describe in my book how these forces operate and how this climate of fear is being maintained and fed. Because it is a powerful instrument of control when by fear people are practicing self-censorship, keeping silent on what is dearest to their heart and destroying what they cherish most.

Under a culture of fear, it is more convenient to ignore certain things and easier to justify one's silence. Including for foreigners working in Laos... But it is necessary to react and speak out. It is the only way to bring an authoritarian regime to understand that it is less damaging to its reputation to address criticisms than to be criticized for not allowing any.

## Promote Respect for Human Rights while Working in Laos

Can development partners play an active role in promoting better respect for basic freedoms in Laos ? Yes, I do think so.

But this requires first to accept this possibility that international aid may be complicit, to have the courage and honesty to take a critical look at our own actions (or omissions), in order to use our margin of maneuver and explore this grey area (zone of tolerance where things are neither formally prohibited, nor officially approved). \_

Of course each institution has its own policy and every individual defines his/her engagement considering the risks involved. But don't forget that the risks to international partners will always be less than those faced by local partners. And finally as an aid agency in a country like Laos, the risk to do wrong by doing nothing is greater than the risk taken to try to do right.

So how to work in an authoritarian country? There would be so much to say here. But I will summarize my thoughts in five points. I would say first :

1. **Know the context** : In a country like Laos, what you are not being told matters more. It requires some efforts in a country where no Human Rights

organization is allowed. But it is clearly not enough to simply listen to official discourse or only read development partners' reports.

Human Rights are relevant to development (and not only as vague commitments in preamble of agreements signed with the government, but have to translate into actions). Aid agencies and international organizations should not underestimate how the lack of freedom of expression, the restrictions imposed on civil society, the absolute control over media and information is affecting their ability to work for a fair and sustainable development in Laos.

Knowing the context will also prevent the mistake of the « overpraising reports ». It is true that development actors are competing to secure funding. And it is true that this can lead to promise unrealistic results to demonstrate that “we are doing better than the others”. But be aware of the reports overrating the positive impact of aid. Just one recent example quoted from an international organization report (I confess this is out of context, but it illustrates my point):

How can you write about a project that: *"The spiral of poverty, poor nutrition, disease and resignation has been broken."*

This kind a flattering report, by exaggerating positive changes achieved is distorting reality and contribute to hide certain problems (and to improve the image of the government!)

2. **The development model** : There have been many debates about aid effectiveness and one big principle agreed upon by international community is the democratic ownership, meaning that for development to be successful it needs to integrate the aspirations of the population (not only those of the government). This requires information to be disclosed and space created for inclusive dialogues. This is precisely what Sombath had been doing in 2012 before he disappeared, by organizing consultations throughout the country which resulted in the Lao Vision Statement.

Development can be many things. When it translates into large-scale mining extraction, industrial plantations, hydropower dams or logging concessions, it is affecting local communities who are depending on the same resources for their livelihood. Development creates poverty when it pushes people out of their land for corporate to exploit natural resources. I would like to come back to the hydropower dams in Laos, and the technical and financial support provided by aid agencies and international financial institutions to such projects. What we observe in Laos is that these agencies and institutions tend to conduct their own propaganda on the positive effects of so-called model dam. Which in a context like Laos is

detering criticism and hampering any open debate on the real impacts of such interventions.

3. **Diversify partnerships:** When engaging in an authoritarian country, you have to be extremely cautious how you chose your partners, so as to support the more progressive elements within the government. When you work in a country where all powers are concentrated into the hand of a few, you have to diversify your partnerships and also engage with civil society actors. If you partner exclusively with government institutions, you will aggravate the asymmetry of powers, and greater is the risk of becoming complicit of the repression.

What we observe in Laos (and in other countries) is this increasingly closer cooperation between aid agencies and private business sector, sometimes to the detriment of civil society. This is reflected in the Vientiane Declaration adopted by the Lao government and its development partners: a whole chapter is dedicated to business, acknowledging the significant contribution of private enterprises and stating clearly that more must be done to facilitate the business world. But creating an attractive environment for investors means in particular in Laos restrict the exercise of fundamental rights (such as freedom of assembly, association, expression, access to information ...) and leads to a very partial implementation of laws and decrees on workers protection and environmental safeguards.

In the business agenda, the poor are seen as consumers, suppliers, producers, but not as farmers claiming their lands, workers with rights or citizens with voice.

This trend for public-private partnerships is shaping assistance programs (priority to economic growth, trade, agriculture ...) and is reflected in the establishment of services to promote foreign investments (trade counseling , business matchmaking, market intelligence, commercial diplomacy ...). The equivalent for civil society organizations does not exist (to facilitate NGOs negotiations with the Lao government, obtain operational permits or project MoUs ...). But support local civil society is essential when you have such a concentration of power in the hands of a political elite.

4. **Aid modalities and approaches:** the support to local associations is also prevented by the fact that aid agencies usually favor budget aid and « big contracts ». To engage with local associations bears higher management costs (many small contracts, micro-management...). Aid agencies prefer to work with partners having bigger absorption capacity, hence the sectorial approaches with Ministries to provide budget aid.

Budget aid is neither good nor bad in itself. It is just a way to disburse money. Actually it would be the ideal option if 1) the government in place is legitimate and democratically elected, 2) to fund a policy issued of broad consultations that integrates the aspirations of the population, and 3) that public finances management is transparent and free of corruption. Unfortunately, these conditions are rarely met...

For aid agency working with local associations, it is important to open spaces for dialogue with the Laotian organizations, not just to talk about financial reports, but to better understand the environment in which these organizations operate and the challenges they face (very intrusive registration process with police background checks, requests to change the name, the purpose of the organization or some of its board members, and heavy interference in the organization's operations ...). Such insights could feed in the political dialogue and support could be granted to ease negotiations with the authorities. The European Commission (EC) for example has a budget line for actions in the field of democratization and human rights in Laos. But to what extent does the EC address the problems that those receiving its funding have then to justify their activities to the authorities?

5. **Missed opportunities and complicit silences:** Many excuses are given for not engaging on human rights issues, such as "we work for development, not human rights", "we are not activists!", "we favor our projects on the field", "we want to keep our good relationship with the government"...

In this development cooperation world, we spend a lot of time in meeting rooms. But this is also where we can act and stay true to our commitments. By attending a meeting we are liable in different ways:

It starts with the agenda: when the agenda does not cover some key issues and we do not raise it, we actively participate in occulting these.

Then regarding participation: when a discussion is held in the absence of civil society actors and we fail to mention it, we adhere to this fact.

Finally, the quality of discussion: when the subject is discussed only superficially or partially, and we do not address aspects being hidden, we accept that they are ignored. It is the weight of silence.

Too many agency representatives attend meetings without speaking out. They thus agree to the terms, the composition and the agenda of the meeting.

**Keeping silent on abuses:** When a popular radio program is banned, when

villagers are arrested for demanding fair compensation after their land was taken away, or when people disappear for speaking out, we must use aid as a leverage and mobilize our relations with the government to raise these issues and address these abuses.

Silence is never neutral. Silence means taking sides. For the oppressors.

**One word about corruption:** For an aid agency to tolerate certain bad practices within its own projects (such as overbillings, misappropriation of small amounts, undue fees ...) is feeding the corruption, especially in a country without public scrutiny and where the notion of "accountability" is still vague...

In any project, it is possible to promote good practices and to set an example by inviting members of the community in which we work to attend meetings with government partners. Even if these people keep quiet, their attendance is useful for what they will hear. It promotes access to information and encourages dialogue between authorities and population. This is a way aid providers can promote a little more transparency and accountability. And in my experience, village representatives were rather active on these occasions!

## Should we Remain Optimistic?

I am sometimes asked if I am still optimistic. Yes, of course I am! Not because I consider that aid is the solution, but because there are in Laos (and everywhere) committed men and women who are engaging each at their level and with their resources, working for a better future.

Sombath continues to be an inspiration to many in Laos and beyond. Those who struggle for justice, for sustainable development, for respect of fundamental rights deserve better than silence. Especially when they become victims of repression.

## Land-grabbing and Criminalization of Environmental and Human Rights Defenders

Decision-makers generally still believe that the world food security requires the industrialization of agriculture. Recently the European Parliament recognized that this is a mistake. We would have reached this conclusion much earlier, would we have given the voice to farmers instead of listening to economists. Promote industrial plantations and agribusiness corporates to reduce poverty means encouraging monoculture over vast tracts of land local communities depend on as fields, pastures and forests. To feed the world, we need to invest in small farmers who already produce most of the world's food. Unfortunately subsistence agriculture does not translate in GDP...



The land allocated for economic development projects are almost always inhabited by local people. An analysis conducted on 73 000 mining, logging, agriculture, oil and gas developments in eight tropical forested countries showed that 93% of these concessions have been allocated on land inhabited by indigenous peoples and local communities. Only 7% of those operations are conducted on uninhabited land. This explains the growing number of conflicts between companies and local communities in this global competition for natural resources. <sup>1</sup>

From January to June 2015 there were on average six people killed each month in Asia and Latin America in connection with land disputes. This does not include attempted murders. And these figures are well below the reality: this is limited to Asia and Latin America, and concerns only known cases. We must not forget that most of these murders are committed in isolated areas not easily accessible: for 2015 first semester, 90% of the victims belong to indigenous populations living in areas poorly connected to the rest the world, and who were targeted because they opposed mining operations, logging or industrial plantations on their ancestral lands. Although incomplete, the compiled data provide an alarming insight into the suffering of indigenous peoples and peasant communities. And this is a growing phenomenon: recently the death toll has raised to 3 murders a week according to Global Witness.

It is estimated that in this world, 2.5 billion people - including 370 million indigenous peoples - depend directly on their lands, their forests and their natural resources that they use and manage collectively. They help to protect more than 50% of the land surface. But they have formally recognized rights over 10% of these lands. This exposes a third of the world population to the risk of land grabbing by powerful actors. That's why the number of people killed, disappeared, tortured, arbitrarily arrested and detained, subject to false accusations, harassed or threatened in the context of struggles for land is constantly increasing.

In Laos, this reality is even more tragic: because affected populations cannot get together to protect their common interest collectively. People who resist land grabbing or are claiming fair compensation for their land can be accused of opposing a Party policy; if arrested, they will be treated as ‘enemy of the State’ and won’t have access to a fair trial.

This is why Sombath’s contribution is so important: by allowing people to tell what makes them happy and what is source of suffering, he has facilitated the emergence

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<sup>1</sup><http://www.rightsandresources.org/news/communities-as-counterparties/>

of the Lao Vision for Development. Instead of banning it, this document should serve as a reference for development partners in Laos, because it truly reflects the aspirations of a diverse Lao population.

*Show extracts of Happy Laos film with Sombath Somphone*

## Sombath Somphone Enforced Disappearance

Sombath was abducted three years ago after being stopped at a police post in Vientiane on the 15th of December 2012. Yes, there have been many reactions (especially in foreign capital cities), but ultimately this enforced disappearance does not seem to have had much impact on aid in Laos: it is business as usual with increasing aid budgets... **Isn't it a way here again to favor indulgence of the international community?**

Let me clarify that I am not (and have never been) in favor of cutting off all aid. I believe that this kind of measures is affecting vulnerable populations more than it affects a political elite. (Although one might ask whether aid is not also helping to keep a regime in power...)

However I am deeply convinced that **international aid that does not take into account the Human Rights situation and keeps silent on the abuses is aggravating the problem.**

In the case of Sombath and of others, - unfortunately Sombath is not the only victim of enforced disappearance in Laos - , it is of utmost importance that international community present in Laos clearly condemns his enforced disappearance. It is not enough to ask for an investigation. A clear condemnation is necessary to defend Sombath's legacy in the area of sustainable development. We cannot let propaganda damage Sombath's reputation and contribution to his country, and have rumors being spread on reasons justifying what happened to him, to the point that Sombath has become a taboo in his own country.

A clear condemnation of his enforced disappearance is also necessary to legitimate the engagement of those who are pursuing Sombath's work in Laos and who are facing risks until today.

## Final words for my friend Sombath

They keep saying they don't know  
They keep saying they're investigating  
It is more than three years now  
For answers we are still waiting

How long will this take  
For the truth to be said?  
How long will this take  
For justice to be made?

So many have been asking  
“Where is Sombath?” to no avail  
From everywhere calls are coming  
But in Laos silence prevails

They should know, let’s make it clear  
That time will not weaken us  
They should know, let us not fear  
That we will never give up.

Anne-Sophie Gindroz