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## **LAOS: SITUATION ANALYSIS AND TREND ASSESSMENT**

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commissioned by United Nations High Commissioner for Refugees,  
Protection Information Section (DIP)**

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## List of Acronyms

CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGO	Intergovernmental Organization
ILO	International Labour Organization
IMF	International Monetary Fund
LEC	Lao Evangelical Church
LFNC	Lao Front for National Construction
LPDR	Lao People's Democratic Republic
LPRP	The Lao People's Revolutionary Party
NGO	Non-governmental Organization
NLHX	Neo Lao Hak Xat (Lao Patriotic Front)
NVA	North Vietnamese Army
PL	Pathet Lao
RLG	Royal Lao Government
SIDA	Swedish International Development Agency
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
US(A)	United States (of America)
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
UXO	Unexploded Ordinance

## **Executive Summary**

In December 1975 the Lao People's Revolutionary Party (LPRP) seized power in Laos and quickly began to put in place the typical trappings of a communist party dictatorship. All independent sources of organization and information were closed, and civil society disappeared into the Party's popular front organization. Thousands of members of the old regime were sent off to labour camps, a threat which intimidated any opponents of the new regime. Some active resistance continued, especially among the Hmong people, but this was largely crushed by the late 1970s. By the end of the 1980s, however, the communist project began to unravel; orthodox communist economic policies had failed and demanded a re-orientation to the world market. This required legal reform, and thus debate began on a Constitution, which was finally adopted in late 1991.

The political and social atmosphere in Laos (as elsewhere in the communist states of Asia) relaxed considerably in the 1990s. Nevertheless, the state retained strict control of any potential civil society organizations. Legal reforms were always constrained by the fact that the Party had the final say over any court decisions. Nevertheless, at least in the economic sphere, a rule of law has begun to emerge. There are no major or large scale human rights abuses, though such abuses occur continuously on a small scale. The few political dissenters have been dealt with harshly.

Buddhism re-emerged in the 1990s as the unofficial state religion, though many Christian groups have also become active, especially among minorities, which is a source of concern for the state, resulting sometimes in direct suppression of such religious groups. In response to outside criticism the LPDR has clarified its position on religious freedom and has attempted to elaborate a tolerant policy. But this is ultimately contained by its demand that all religious groups be approved by and under the control of the Lao Front for National Construction. This will ensure continued friction between at least some of these religious groups and the Lao state for some time to come.

Opening up of the country to tourism and international organizations in the 1990s, combined with international pressures to suppress opium growing has brought the government into conflict with some Hmong and in particular the remnants of the resistance. Fierce battles have been fought, but this armed resistance is now largely defeated. There is, however, evidence of a new form of ethnic politics emerging among some minorities.

While refugees flooded out of Laos in the immediate aftermath of the revolution this had all but halted by the 1990s as people became free to move around inside Laos and to travel overseas. The new problem that arose was the international mobility of labour and the attendant problem of people trafficking.

Most major international aid organizations are active in Laos, as are international NGOs (Lao NGOs are not permitted). These play an important role in modifying Lao policy and are a kind of de facto civil society, although a small and relatively weak one.

The prosperity of the past decade has won the LPRP legitimacy and there is no prospect of serious opposition to its rule in the near future. At the same time human rights abuses will continue, albeit on a much reduced scale.

## 1 Introduction

The Lao People's Democratic Republic (LPDR) came to power on 2 December 1975, and proceeded to build an orthodox communist state and society. In the 1980s this project faltered, and since the collapse of communism as a world movement in 1989-1990 considerable liberalization has occurred. During the initial period many people left the country as refugees and many were incarcerated. This situation too has reversed. Nevertheless, the "totalitarian" period has left a deep mark on Lao politics and society. Hence, human rights violations as defined by the strict letter of the law continue, though on a much reduced scale. Outside critics talk of ethnic "genocide", "religious persecution", "unlawful detention", and so on. The following report scrutinizes these claims.

## 2 Modern History<sup>1</sup>

Laos emerged as a modern nation following the French colonization of the country and mapping of its borders after 1893. Had the French not colonized Laos the lowland areas probably would have been absorbed by Thailand, while many highland areas would have become part of Vietnam. In a series of negotiations with the Thai between 1903 and 1907 the modern borders of Laos were basically established, although demarcation on the ground continues to this day between Thailand and Laos and Vietnam and Laos (as well as Cambodia, Myanmar and China).

The population of the country at the time the French took control was probably around 500,000; it is now around 5 million. The French found a society made up of many different ethnic groups, usually estimated at around 50. Some, perhaps 30% of the population today, had been there prior to the coming of the Tai (Lao) around the tenth century. Perhaps another 10% is made up of relative newcomers like the Hmong or Iu Mien (Yao), who began migrating into Laos in the late eighteenth century, partly due to conflicts with the Chinese. The lowlands and upland valleys were populated by people of Tai descent. Those who were Buddhists were recognized as "Lao".

The Second World War was a watershed for French colonialism in Laos. In 1945 the Japanese forced the Lao King to declare the independence of the whole of Laos, and this was then carried forward by a short-lived independence movement, the Lao Issara. The returning colonial French recognized a unified Laos in 1946, and the new Kingdom of Laos was proclaimed in early 1947, although initially remaining under close French supervision. Substantial political concessions by the French and the incorporation of Laos into the French Union in 1949 satisfied all but a handful of the Issara group who went with the Vietnamese communists. The long serving Prime Minister, Prince Souvanna Phouma, and his associates returned to Vientiane from exile in Bangkok. In 1954 Laos withdrew from the French Union and became completely independent.

However, by the mid-1950s Laos had become a pawn in the Cold War in Asia. At the Geneva Conference in 1954, which had led to France's withdrawal from Indochina, the Vietnamese communist delegation had gained some minimal recognition for their handful of Lao clients,

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<sup>1</sup> Unless other sources are cited, the overview of Lao history in this and the following chapter is based on Evans, G., *A Short History of Laos: The Land Inbetween*, Sydney: Allen and Unwin; Chiang Mai: Silksworm Books, 2002

who would later be known as the Pathet Lao (PL). The United States swung its support behind the Royal Lao Government which quickly became heavily dependent on US aid. The key issue that emerged in the late 1950s, however, was North Vietnamese incursions into Laos through the network of tracks known as the Ho Chi Minh trail. Prime Minister Souvanna Phouma in 1958 said that Laos had fulfilled all the conditions of the Geneva Agreements, but in the opinion of the North Vietnamese the problems of Laos and Vietnam were “indivisible”. Thus, because of North Vietnam’s strategic needs for the trails through Laos it was swept into the vortex of the Vietnam War. From 1960 onwards the Royal Lao Government (RLG), which throughout tried to retain some semblance of democratic government, came under very strong external and internal pressure, politically and militarily. With Vietnamese support the Pathet Lao grew stronger during the 1960s as war raged across the country, which in the late 1960s would include massive American bombing of parts of the country. The relative strengths of the Lao sides, however, had little to do with the outcome, which was decided in Hanoi and Washington. A coalition government was formed in Vientiane in 1973, supposedly aimed at national reconciliation. But the determination of Hanoi and the Pathet Lao to install a communist government in Laos, and the gradual withdrawal of American support for the RLG, ensured the latter’s collapse during 1975 and the proclamation of the Lao People’s Democratic Republic (LPDR) on 2 December 1975.

## 2.1 Prison Camps

The vast prison system established by the new communist regime set the tone for the administration of justice in the LPDR.

From mid-1975 onwards officers, soldiers, police and high officials of the RLG were packed off to the countryside to attend “seminar”, the euphemism used for the prison camps. Indeed, by 1975 many Lao were war-weary and they believed Pathet Lao propaganda that little would change with the coming of peace, except that “the foreign imperialists” would be expelled. When the president of the Neo Lao Hak Xat (NLHX, Lao Patriotic Front), the “Red” Prince Souphanouvong, told the people confidently that the monarchy would be preserved, and that Laos would soon rediscover its traditional culture, unsullied by foreign influence, they wanted to believe him. So, many voluntarily entered the camps. As one inmate, Colonel Khamphan Thammakhanthi, put it: “Believing that they could contribute to peace and national reconciliation, and having confidence in the wisdom of Souvanna Phouma, and obeying the orders of their respective ministers, they allowed themselves to be caught up in this funereal proceeding. Quickly, but unfortunately too slowly, they realized their error.”<sup>2</sup> Another inmate writes of being called to a meeting at Camp Don Tieu in Vientiane in June. The Pathet Lao Deputy Minister of Police, Deuane Sounnarath, addressed them:

The American imperialists and their lackeys have been painfully and embarrassingly defeated... Socialism has beaten Capitalism handily. Our side cannot live side-by-side with Capitalists. Therefore, the situation in Laos must change. That change requires that the Vientiane Faction officials, police, and soldiers must immediately go to seminars in Muang Vieng Xai... Prepare yourselves to travel. We have readied trucks and planes for you ahead of time.<sup>3</sup>

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<sup>2</sup> Khamphan Thammakhanthi, *La vérité sur le camp-prison No.1*, n.d. Unpublished manuscript

<sup>3</sup> Nakhonkham Bouphanouvong, *Sixteen Years in the Land of Death*, Bangkok: White Lotus, 2003, pp.140-1

Some men asked if they could go home and get clothes, but this was refused. Within hours they were flown out of Vientiane.

After December 1975 many others were rounded up and sent to the camps. Rather than staying a few months as they were promised, however, these people spent years in the prison camps in the mountains of northern Laos, in Xiang Khoang or Hua Phan, or in Attapeu in southern Laos. The Lao People's Revolutionary Party (LPRP) did not carry out large-scale massacres of the former leadership like their Khmer Rouge counterparts in Cambodia. Nevertheless, many people did not return from the camps, and to this day relatives have never been informed officially of what happened to fathers, sons, or loved ones. Of those who did return many quickly fled the country.

There has never been any systematic study of the establishment and the social impact of this vast prison system. Early estimates of the numbers interned ranged from 10,000 to 40,000. The higher figure probably includes the number of ordinary soldiers and officials who underwent a short period of "re-education" of some months. Only in 1998 did some official figures appear as a footnote in a history of the Lao People's Army, of people who had committed "crimes":

According to figures from the organization for 're-education' of 27-12-76, Hua Phan province had 1,136 persons (at the level of army and police generals there were 49 persons), Phongsaly province 1,452 persons, Oudomxai 1,689 persons, Luang Phrabang 1,651 persons, Xieng Khoang 3,988 persons, Vientiane 7,081 persons, Khammouane 896 persons, Savvannakhet 2,790 persons, and in the south 3,546 persons, and besides that there were 5,799 wives and 18,777 children who went too.<sup>4</sup>

A total of somewhere between 10,000 and 15,000 endured periods of up to 15 years. Some, of course, were summarily executed and others imprisoned until they died. None of these people was ever charged legally, and so this huge prison system was extra-legal and those interned had no rights.

Besides the account written by Nakhonkham cited above, another account is that narrated by Thongthip Rathanavilai, and published, in Lao, in the United States.<sup>5</sup> In July 1975 he and other officers and RLG officials were flown to Xiang Khoang where they believed they would stay for three months. In fact, he spent nine years in the camps. They were soon flown onto Vieng Xai, the wartime headquarters of the PL, from where they were marched to camp number 6. Their guards told them they were there to protect them from the wrath of the local people, and that if they passed any locals they were not to look them in the eye, just as the locals were instructed to ignore them. It was the first sign that they had disappeared from the view of society. Camp 6 was near the Vietnamese border and was simply a forest when they arrived. Their first task, therefore, was to build their own prison. As the hard work of felling trees and building houses began a climate of fear and suspicion descended on the inmates. "Re-education" began with daily study of party policy, then self-criticism and denunciations. At first it was a novelty, but the same message repeated day in day out became boringly oppressive. In response some became withdrawn, would not even eat, and just lay on their

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<sup>4</sup> Kom Khonkhua Pavatsat, *Pavatsat Kong Thap Pasason, 1945-1995*, [Research Department of History, A History of the Lao People's Army, 1945-1995], The Army Printing House, [c. 1998], p. 497

<sup>5</sup> Thongthip Rathanavilai, *Manut Phak Tai Paan 5 Khum Nalok*, [Man in the Region of Death: Passing Through the Five Stages of Hell], n.p., n.d.

beds after a day's work. Some attempted escape, were caught, badly beaten, paraded before the inmates and either shot or sent to a camp with even higher security.<sup>6</sup>

By 1978, however, the camp regime began to relax. Small numbers of inmates began to be released from the camps in the early 1980s. Thongthip, for example, returned to Vientiane in 1984, and it appeared to him a shadow of its former self. Like many other returnees, he soon after fled to Thailand.

The purpose of the camps was to break the will of the members of the “old regime” and instill in them fear of the new regime. The threat of internment also hung over the heads of the rest of the population. Many men returned broken and withdrawn, and wives were confronted with husbands who had grown remote while separated from them, sometimes deciding to become refugees. Others, quietly unbowed, still joke about how they were sent for “further studies” at the “university of Vieng Xai” but that they were “too ignorant” and so did not graduate. By 1986 the government claimed that all the camps had been closed down, but some people remained confined to the boundaries of the provinces in which they were imprisoned until 1989. Others, who had been imprisoned in the infamous Camp 01, were never released. Indeed, King Savang Vatthana, the Queen, the Crown Prince, and one other son, Prince Savang, were incarcerated here in 1977 following allegations that they were involved with “reactionaries”. None of them survived, and the King is believed to have died around 1980. The LPDR has never given any details of their deaths.

## **2.2 The Hmong Resistance**

Although there were no major torture and death camps in Laos, like the notorious Tuol Sleng in Phnom Penh, there were massacres of Hmong in the aftermath of the revolution. In the refugee camps that received the exhausted survivors it sometimes seemed that the LPDR was intent on annihilating them and terms like “genocide” were used by journalists and others.

The war in the northern mountains had been bitterly fought, and as often as not it had been Hmong soldiers led by General Vang Pao pitted against Vietnamese. Hmong civilians were caught many times in the crossfire as they were forced to flee their homes during the war. While latent ethnic tensions were mostly kept under control before 1975, they would burst forth in the campaigns against Hmong remnants of Vang Pao's forces afterwards.

By the time the PL began to assert final control over Laos in mid-1975 the upland economy was in crisis, because it could not sustain the Hmong population which had previously been supported by USAID. For the thousands of Hmong spread through the mountains to the south of Long Cheng, their upland fields were already depleted and they needed to move on. For many, fearing the communists, a natural move was to Thailand where Vang Pao and other leaders had already fled. This in itself had caused a panic, and thousands of Hmong began to surge down Route 13 in late May, 1975. Hmong leader Touby Lyfoung, emissary of Prime Minister Souvanna Phouma, tried to calm them. “Vang Pao has gone”, he said, “because he was too involved in the war. But you have committed no crimes, so why are you leaving the country?” (Soon afterwards Touby was sent off to the notorious Camp 01 where he died). But the crowds were not satisfied and continued to Hin Heup where, on the 29 May, their way was barred at a bridge by PL troops. Apparently, by this time the size of the crowd had swelled to 20,000 or 30,000 people. The soldiers told them to return to their villages, but the

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<sup>6</sup> *Idem*, p. 13



crowd rushed the bridge whereupon the troops opened fire, killing five people and wounding around thirty others. A Thai photographer, Anant Chomcheun, who was on the scene the following day, reported seeing PL troops herding groups of Hmong back to the hills at gunpoint, while others melted into the countryside off the highway to continue their trek towards Thailand. "I want to stay with my father Vang Pao", one Hmong told the photographer. By the end of 1975 the Hmong refugee population in Thailand had reached around 34,000. News of the killings at Hin Heup quickly spread, confirming the Hmong's worst fears. At Long Cheng, Hmong soldiers and officers had been rounded up and sent off to "seminar", and when they did not return their families were convinced they had been executed.

Accounts of continuing, sporadic fighting in the mountains emerged in early 1976, and in July that year there were reports of the use of napalm against resistance strongholds. While soldiers loyal to Vang Pao made up part of this resistance, another group came to prominence, the Chao Fa, perhaps best rendered as "Soldiers of God". This was a nativistic millenarian movement that had emerged in the early 1960s, a result of the disruption of Hmong culture and society. Its leader, Yong Shong Lue, promoted his own messianic script for the Hmong, believing in the coming of a Hmong king and in his own ability to protect his followers from enemy bullets. There had always been some overlap between these two groups, and indeed Vang Pao had tried to suppress the Chao Fa's influence among his men.

In the chaos that followed the fleeing of Vang Pao the influence of the Chao Fa appears to have grown dramatically and fuelled Hmong resistance to the new regime. With the collapse of American support the Hmong drew on their own cultural resources to maintain their resistance. These forces, however, had little ammunition and could only really harass the new government. Nevertheless, any opposition was intolerable to the new leaders in Vientiane and in 1977 they decided on a showdown with the Hmong resistance. This coincided with a treaty drawn up with Vietnam which legitimized the use of Vietnamese forces against the resistance, and perhaps upwards of 30,000 North Vietnamese Army (NVA) troops were used in the large scale operation launched against the Hmong in 1977. The fighting by all accounts was ferocious and included shelling, aerial bombing with napalm, and perhaps even the use of chemical agents. The Hmong resistance fighters, of course, lived with their families and therefore operations against them entailed indiscriminate civilian casualties, leading to charges of genocide when these people staggered into the camps in Thailand and told their stories. Some stories were so horrific that they billowed into charges that the communists were using a hitherto unknown chemical weapon, known as "yellow rain". These claims, which were promoted by hawkish anti-communists in Washington DC were never substantiated. That the Hmong were fighting against overwhelming odds is clear from the account given, for example, by a Hmong Major in December 1977: "My group of 30 fighters got separated from the others a month ago. We had only fifty rounds of ammunition per man, no food and no medicine." The fighting further disrupted the Hmong economy, and many who took flight through the forests would arrive in Thailand emaciated.

It is clear that the campaign against the Hmong at times degenerated into the savagery we now associate with "ethnic cleansing" but this was not its official motivation. However, although the LPDR and its ally Vietnam had broken the back of the Hmong resistance by 1978, they had killed and mistreated so many people in the process that resentment has festered on until today, finding sporadic expression in outbreaks of fighting against the government.

### **2.3 The Rise and Fall of Orthodox Communism**

At the end of 1975, with the victory of communist movements in Vietnam, Laos and Cambodia, the conditions for a radical re-orientation of these societies seemed ripe. The Lao communist movement had not been strong, but it had a powerful supporter in Vietnam which provided military backup, and also ideological backup in the form of an army of advisers stationed at all levels of government. Although the LPRP set out to build an orthodox communist state it was in the end too weak to do so, even with Vietnamese backing. The few capitalists there were in Laos left before the end of 1975, and merchants fled in large numbers. By the beginning of 1976 the urban economy had almost come to a standstill and trade throughout the country had stagnated. It was relatively easy to convert the small capitalist sector to a socialist system, but that left some 90% of the population eking out a living as peasants. Indeed, the policies of the new government had forced them even closer to bare subsistence levels. If, besides foreign aid, some surplus capital for development was going to be generated from within the country then it was believed that a significant portion of it would have to come from agriculture. Timid moves towards encouraging cooperative agriculture were begun in 1976. But with no improvement in the economy by the end of 1977 and an emerging international crisis among the communist states, as Laos's close ally Vietnam began to prepare to overthrow the Pol Pot regime in Cambodia, leading to sabre rattling by the China on their northern borders, drastic steps were needed. Following the pattern set by Vietnam, Laos launched a collectivization programme in late 1978. It was designed to gain state control over the agricultural surplus, and also to secure political control of the rural population. However, it disrupted production to such an extent and caused such dissatisfaction that it was suspended a year later, to be followed by "voluntary" cooperativization.

In 1979 tentative moves were made to loosen state control of the economy. But it was only at the party congress in 1986 that a radical change in economic policy was begun. This encouraged further marketization, leading to encouragement for foreign investment, and later the selling off of some state assets. This was against a background not only of domestic economic failure, but also of a growing crisis in the communist world. By the mid-1980s reformers were in the ascendance in the USSR, the LPDR's main source of aid, and they were signalling that such aid support could not continue because of their own problems. Thus Laos, along with Vietnam (and China for other reasons) began a shift towards capitalism. In Laos this shift would occur more quickly than in either Vietnam or China, simply because it had a small state sector by comparison. The collapse of communism in the USSR and Eastern Europe in the late 1980s, of course, accelerated this re-orientation. It also threw up demands for a firmer legal structure, if Laos was to engage with the capitalist world, and hence the finalizing of a constitution for the country became imperative.

### **3 New Directions in the 1990s**

While the demise of communism was one factor propelling the Lao into taking a more open stance towards the world, the turmoil associated with it also drove the LPRP to reaffirm its ties with the remaining communist states in the Asian region, China in particular. Like Deng Xiaoping, the long standing LPRP General Secretary and Prime Minister, Kaysone Phomvihane, wanted any reform to occur under the aegis of the party, and as if to underscore this he became the first foreign leader to visit Beijing following the Tiananmen Massacre in June 1989. Dissent, he signalled, would not be tolerated. But in early 1990 debate over the constitution led to a group of some 40 Lao intellectuals, the "Social Democrat Club", beginning to meet and criticize the country's one-party system. Similar criticisms were

voiced by students studying abroad. Party member and Vice Minister for Science and Technology, Thongsouk Saisangkhi, submitted an open letter of resignation to Kaysone in which he labelled the LPDR a “communist monarchy” and a “dynasty of the Politburo” (a reference to the growing influence of the children of the leaders). He declared that “Laos should change to a multi-party system in order to bring democracy, freedom and prosperity to the people”. This followed publication of the draft constitution on 4 June 1990 in the Party paper, *Pasason*, in which the opening article declared that the LPDR was “a people’s democratic state under the leadership of the Lao People’s Revolutionary Party”. Three leading figures in this group of critics, Thongsouk, Latsami Khamphoui, the Vice Minister of Economics and Planning, and Pheng Sakchittaphong from the Justice Ministry, were imprisoned in October 1990 and finally tried in November 1992 on charges of libel and of disseminating propaganda “against the country”. They were each sentenced to 14 years imprisonment, and confined to a camp in Hua Phan province. Thongsouk died in prison in early 1998 due to poor medical facilities at the camp, while the other two continue to languish in harsh conditions, but remain unrepentant.

A final draft of the constitution was adopted by the Supreme People’s Assembly (later National Assembly) in August 1991, by which time it had undergone some important modifications, suggesting that the actions of the dissidents may not have been entirely in vain. The controversial first article of earlier drafts had been dropped. However, the role of the Party had been reintroduced in Article 3 where it is described as the “leading nucleus” of the political system, and in Article 2 the LPDR is defined as a “People’s Democratic State”, all of whose organizations “function in accordance with the principle of democratic centralism”. Socialism is not mentioned at all. It was, however, the guiding principle in the resolutions passed at the party’s Fifth Congress in March 1991, and has remained so in subsequent resolutions.

Perhaps the most important development to emerge from this general process of change has been the establishment of a judiciary and the evolution of a body of law, at least relating to the economy, one of the main reasons for the legal reforms anyway. But, the National Assembly Standing Committee (dominated by the LPRP) is the final interpreter of the law, rather than the courts, and has the power to remove judges. Naturally, such a provision ensures that the Party gets its way in politically contentious trials, and makes a mockery of the Constitution’s claim to respect individual political and religious rights and freedoms. On the other hand, in economic disputes the law is increasingly seen to act impartially and this in itself provides some cultural reinforcement of at least the principle of the rule of law.

Nevertheless, Khamthai Siphandone, who took control of the LPRP after Kaysone’s death in 1992, permitted no doubt about the continuing supremacy of the party. Speaking in 1995 he said, “The Party is also the sole Party whom the people trust. All slanders and attempts designed to undermine the leadership role of the Party are regarded as contradictory to historical reality and the national interest.”

From 1975 until the formulation of the Constitution the Lao regime attempted to put in place what we recognize as a “totalitarian” regime. By this is meant not just an authoritarian political structure as one sees in military dictatorships, but one which attempts to intervene in and direct people’s daily lives, from the way they dress to perhaps whom they marry, although the latter tended only to apply to Party members. The new Lao state was never strong enough to implement this model fully, but it put in place many of the structures of such a state. The key was the policing of village communities and the aim was to have a party

member as head of every village. This, of course, was never achieved in Laos, but where it was not achieved the village head was closely monitored by a Party official at the next level of the administration, the district. The basic working concept was that officials were responsible to the level above them rather than representing those below them and their job was to communicate instructions from above to those below. In the early years this meant endless village meetings at which the attendance of all villagers was expected. Such continual mobilization was, quite naturally, very tiring and boring and many people's memories of those days are simply of marathon meetings where they would be expected to learn Party propaganda by heart. While the details of this propaganda were probably lost on most people, the presence of the State's power at the village level was made clear. And, it was backed by the recruitment by the Ministry of Interior of local militias to police the villages. All activities, festivals, marriages, visits by outsiders, or visits by villagers to elsewhere, had to be reported to the village committee, an organization that mirrored the key organizations making up the Lao Front for National Construction (LFNC), i.e. a women's union representative, a youth union representative, a religious representative if it was an ethnic Lao village, and so on. Such close control mobilized suspicion among fellow villagers about who may inform on whom, and this was effective in stopping many people from, for example, listening openly to foreign radio broadcasts. The right of the State to intervene in people's everyday lives was established as normal during these years.

During the 1990s this whole system of control relaxed very considerably, although the basic structure remains intact. In the late 1980s tight travel restrictions within the country began to be eased for Lao citizens and one could travel between provinces without having to get special permission. In the 1990s foreign travel restrictions eased too, so that Lao can travel across the border into Thailand, for instance, simply by using their identity card. Passports are now easily available, although a visa is required for departure, and Lao can travel overseas for travel or study if they are otherwise able.

The key to this change is the collapse of the socialist economic project, i.e. the attempt by the State to control all the key economic institutions in the country. Interestingly, this was felt first in the countryside following the collapse of the collectivization programme in the early 1980s and its final abandonment by the end of that decade. The cooperatives were not only a form of economic organization but were seen as a mechanism of political control through economic control of the peasants' livelihood. The lifting of restrictions on private trading and the formation of private businesses also allowed people to cut themselves loose from dependence on the State for their livelihood, and also from the requirement that they attend political instruction in such economic institutions. This considerably weakened the State's hold on people. Furthermore, the logic of private trading was that one should try to sell whatever was profitable and this dynamic introduced commodities into the society on a large scale that potentially escaped the political strictures of the State. For example, the widespread availability of youth clothing from Thailand and elsewhere led to a rejection of the standardized wearing by women of the traditional dress, the *sinh*, in everyday life. The *sinh* remains standard dress in all state institutions today, but outside this context there are no formal rules, and one has seen a rapid change in young people's dress over the 1990s. Occasionally the State will respond to its totalitarian reflex and attempt to enforce a dress code; for example, for a time it tried to insist that all Lao women who visited the "heritage" city of Luang Phrabang had to wear the *sinh*, but it was unenforceable. At first videos, and now VCDs and DVDs, of all varieties have flooded into the country to be shown privately or semi privately in the countryside where the number of televisions and players are fewer. Paradoxically, cinemas have remained closed because they are subject to censorship laws

which make their operation unviable. But films that would be censored for public screening are easily available for private rent.

The mass media inside Laos has remained under strict State control. However, ownership of television sets has expanded rapidly. There was an early attempt to corral TV viewing by establishing a different system inside Laos which would be the only one allowable, but it was economically impossible. Lao audiences tune into the more varied fare available on Thai television in their tens of thousands. Some observers lament the fact that this exposes them to “Thai culture” and mindless soap operas, but the few enquiries that have been conducted into television viewing show that Lao value Thai news programmes which are more open than the Lao equivalent.<sup>7</sup> Lao TV is amateurish by comparison, although it is being pulled along by Thai competition, yet state restrictions on what it can do continues to place it at a disadvantage. Lao also regularly listen to Thai radio for the same reasons. Access is now available to cable TV too, and Lao now experience few restrictions on their access to foreign media compared with the recent past. Thai magazines are available for sale in the main urban areas, although it is rare to see Thai newspapers for sale. Foreign magazines, such as *Time* or *Newsweek*, or the *Bangkok Post*, are also easily available in urban shops. This is in complete contrast to the 1980s. Lao newspapers and magazines remain mouthpieces for official government policy and therefore lack variety. Compared with the past, however, foreign reporting is much more open, and there is circumscribed criticism allowed in the newspapers. The *Vientiane Times* English language newspaper has also attempted some bold advances in running articles hinting at the existence of corruption. But they remain very general articles, and no-one is named. In this sense they simply conform to general government criticisms of corruption. Cartoons are now run in the *Pathet Lao* daily which touch on matters unspeakable publicly some few years back, for example about male infidelity. The same daily also runs informative columns on legal proceedings. Better and more open reporting has also been compelled by other technological developments, in this instance the now wide availability of mobile telephones. Thus when accidents occur, or there are violent attacks on buses in remote parts of the country, news of this travels quickly by way of these mobile phones, and this (alongside foreign pressures for greater openness) has caused more prompt reporting of such incidents by the press. Lao radio is probably the most important mass medium inside Laos. Print runs of newspapers are small (5,000-10,000 at most) and distributed only in the main urban centres. Television is beyond the reach of most peasants. Radios on the other hand are cheap and easily available. Consequently radio is people’s main source of information about government policy or news from inside the country. In some provinces there are broadcasts in minority languages. It should be noted that the Thai mass media reports relatively little about Laos.

The massive expansion of foreign aid organizations, including NGOs, and foreign private businesses has led naturally to the expansion of the expatriate population in Laos which cumulatively provides further access to other views of the world. Privately run foreign schools for learning English also open up new vistas for the students. Overall this has meant that many Lao are now exposed to different opinions and have arenas for expressing their own views about developments in the country. Today, privately, many Lao have few qualms about expressing criticisms of aspects of government policy and practice.

While the totalitarian project has withered the authoritarian political structure put in place

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<sup>7</sup> Laos, Ministry of Information and Culture, Institute for Cultural Research, *Vientiane Social Survey Project*, Vientiane, 1998, p. 66

after 1975 remains intact. At least one member of a household has to attend village meetings when they are called to inform villagers about state policy and to issue instructions, and the local village organization remains the front line in keeping a watchful eye on any political dissent. Of course, the waning of the State's economic power has meant that at the local level acceptance of small and large bribes can compromise the political role of the village leaders, who thereby become less and less interested in political orthodoxy and perhaps less attentive about these matters. On the other hand, political orthodoxy can protect corrupt officials from investigation.

For dissent to become meaningful within the country the development of a body of informed opinion and an intelligentsia is necessary, by which is simply meant persons whose main concern and activity is the use of ideas in all domains and who become conscious of the important role of ideas. This group obviously includes journalists, teachers and academics, but also many people who are attached to aid organizations and are concerned with various issues related to development in its broadest sense, and others. In Laos, of course, given the very low level of education generally and the small number of people with higher education, we are dealing with a small group indeed.

A national university was only reconstituted in 1996. The academic level of the staff is low and the library facilities poor. Students who have begun to go overseas for higher education do not want to return to work in the higher education system because of its low pay and poor conditions. Inside many ministries there are research institutes with small libraries which should have been relocated to the university when it was established, thus concentrating scattered intellectual skills and library facilities. However, for reasons of bureaucratic conservatism ministries are reluctant to transfer them. To date the staff and students of the university are largely quiescent and the staff lacks intellectual self-confidence.

Beyond the university are the journalists who work for the state run mass media, and although some of them have received training in Thailand and have connections with foreign journalists what they write is subject to close censorship. The most important inhibition on the formation of an intelligentsia, however, is that there is no context in which such a group consciousness can emerge, given State control of all broad forums for exchanging information. This situation is unlikely to change soon. In the absence of clearly articulated alternatives Lao people either remain indifferent to larger issues, or accept the government position by default. Access to Thai debates about political, social and cultural issues through the mass media are no doubt stimulating, especially for those who miss such debate inside Laos, but such discussions appear to be compartmentalized by a type of reasoning which says, "that is Thailand this is Laos; that kind of thing cannot go on here" – end of discussion!

#### **4 Human Rights<sup>8</sup>**

The Constitution that was promulgated in 1991 appeared to contain most key safeguards for human rights. For example, in Article 8 it makes it clear that Laos is a multiethnic state and is committed to equality between ethnic groups:

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<sup>8</sup> For this and the following section, in addition to specific references, see also United States, Department of State, *Country Reports on Human Rights 2003: Laos*, Washington DC, February 2004, <http://www.state.gov/g/drl/rls/hrrpt/2003/27777.htm> [accessed April 2004]

Article 8. The state pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the rights to protect, preserve, and promote the fine customs and cultures of their own tribes and of the nation. All acts of creating division and discrimination among ethnic groups are prohibited. The state implements every measure to gradually develop and upgrade the levels of socio-economy of all ethnic groups.<sup>9</sup>

The Constitution has provisions for gender equality and freedom of religion, and for example in Article 31 it says: “Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the law”.<sup>10</sup>

The Lao Government signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) on 7 December 2000. Both are awaiting ratification by the National Assembly and so the LPDR is not yet bound by the provisions of the ICESCR and ICCPR. By signing these covenants, Laos has demonstrated that it is willing to continue the treaty making process and agrees to be restrained by them. Laos ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1974, the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1981 and the Convention on the Rights of the Child (CRC) in 1991. But Laos has not signed the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).<sup>11</sup>

The signing of the ICESCR and ICCPR by the Lao government in the year 2000 reflected a general trend towards universal ratification of the six principal UN human rights treaties. The ‘universality goal’, which had been laid out in the Programme of Action of the 1993 Vienna World Conference on Human Rights, was endorsed by the General Assembly of the UN in its resolution 48/121 in December 1993. As a consequence of this development, the various UN agencies began to promote the idea of universal ratification on a global scale.<sup>12</sup>

Indeed, the linking of human rights to foreign aid was a major motivation for countries like Laos to sign such treaties.

ICERD, CEDAW and CRC assumes that Laos will apply these international instruments to its domestic legal framework. The LPDR is obliged to submit regular reports on the implementation of the treaty obligations, but this has strained the capacity of the country’s legal system.

The Department of Treaties and Legal Affairs at the Lao Ministry of Foreign Affairs, which oversees the relationship between domestic and international law, has admitted

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<sup>9</sup> Laos, *Constitution of the Lao People’s Democratic Republic (1991)*, Vientiane: Lao PDR National Assembly, 1996, <http://sunsite.nus.edu.sg/apcel/dbase/laos/primary/laacons.html> [accessed April 2004]

<sup>10</sup> *Ibid.*

<sup>11</sup> For a list of the treaties relevant to the LPDR see e.g. Human Rights Internet, For the Record: the UN Human Rights System 2000, <http://www.hri.ca/fortherecord2000/vol3/laosrr.htm> [accessed April 2004]

<sup>12</sup> Warning, C. Jumping on the UN-Human Rights Treaties Bandwagon, *Asian Analysis*, October 2003

that the understanding of international treaties and conventions that Laos has signed or ratified is very limited, not only within the government but also within the judiciary and the legislature. This lack of legal infrastructure and general understanding has led to a huge backlog of overdue state reports on compliance to the treaty bodies which monitor Laos' performance under the ICERD, CEDAW and CRC. Moreover, the few reports which have been produced so far, such as the initial report on the Convention on the Rights of the Child (due 7 June 1993 and finally submitted 18 January 1996), relied on the input and expertise of foreign consultants.<sup>13</sup>

While the provisions of the Constitution and the signing of the above treaties appear to provide all the necessary key provisions for the protection of human rights, these are all vitiated by the "leading role" reserved for the Party, which ensures that the Party can override the judiciary if necessary and indeed any other government institution. In reality there is little separation of powers between the executive and political wings of government. The Party aims to recruit into its ranks all individuals holding key civil service positions; or one might put it another way, a main precondition of holding a key civil service position is being a member of the Party. Consequently, there is little likelihood of differences arising between the executive and political wings of the government.

Before the enactment of the Constitution, when the government ruled by decree, there was no pretence about any separation of powers. Among the citizenry there was no sense that they had any formal redress in the event of the abuse of power by police or local security officials. Where they could they would draw on informal relationships of friendship or kinship to achieve redress, such as the release of someone from detention, or the dropping of charges. Of course, in this atmosphere, the police and security officials developed a sense of omnipotence and untouchability. Although since the early 1990s there have been attempts to change these patterns, the continued weak separation of powers between Party and bureaucracy means that all the way down the structure there is felt to be no unbiased institution that people can appeal to, and therefore informal channels (and bribery) remain important for everyone. This attitude is reinforced by the widespread knowledge that police, for example, are reluctant to prosecute leading officials or their families for normal offences, such as traffic offences, let alone more serious charges. It is worth noting, that for all the talk by the government about the need to stamp out corruption there has not been a single higher official in Laos who has been prosecuted for corruption – a situation which compares starkly and unfavourably with Vietnam or China. And, since people are aware of the fact that higher officials get involved with massive corruption with impunity, this further saps their faith in the law enforcement agencies. Nevertheless, the attempts by the government to establish a legal system that works, especially as it relates to economic affairs, land ownership, etc. has definitely produced a rise in confidence about approaching judicial institutions for the arbitration of justice. In this respect an idea of the rule of law is being practised and propagated.

Nevertheless, the prevailing attitude of ordinary Lao is to simply to keep "the Law" at arms length. And for good reason too. The very weak rights of appeal available to ordinary citizens should they be arrested means that the situation is open to abuse, and arbitrary arrest for the purposes of extortion, for example, is well known. While there are supposedly procedural safeguards for making arrests, these are easily swept aside for "urgent" cases, and rarely will

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<sup>13</sup> *Ibid.*



police be challenged. There is no automatic access to lawyers or family members. Such arbitrariness applies especially to “political” detainees, who can be held beyond the statutory limitation of one year without charges being laid or a trial held, and kept incommunicado. The harshness of the treatment meted out to political prisoners is widely understood and is one of the main deterrents to non-Party political activity in Laos. Indeed, given the lack of information about any such detainees, many ordinary Lao believe those detained to have simply been taken away and shot. The prison system, which is known to be harsh, is beyond international scrutiny and Laos has come under remarkably little pressure to open it up.

When challenged about its human rights record the response of the Lao Government has been to point to its formal adherence to major human rights conventions, and to simply deny all charges of human rights violations. For example, challenged about the arrest of students and others who attempted to demonstrate in front of the Presidential Palace on 26 October 1999, government spokesmen initially denied that anything had occurred at all, but have subsequently claimed that these people acted against the law and were “bribed” by foreigners. Thus, the LPDR claimed, their rights to free assembly had not been violated.<sup>14</sup> Similarly with reports about repression of Hmong “resistance”, the government refuses to acknowledge that this may be a political issue by dismissing these Hmong as “bandits”, thus attempting to make it a simple law and order issue.<sup>15</sup>

## **5 Groups at Risk**

The following discussion of “groups at risk” and “persons of concern” is largely dependent on reports from outside Laos, which have claimed at one time or another that these groups are being persecuted. Its initial focus on religion is in part because the perceived “atheism” of the communist government is seen to automatically place it on a collision course with religious groups. Just after 1975 there were some restrictions on Buddhism but these have disappeared, and the spotlight now falls on Christian groups. However, an overall grasp of the religious context is necessary to understand the violations of religious freedom which can be found in Laos today.

### **5.1 Religious Groups**

#### **5.1.1 Theravada Buddhists**

Theravada Buddhism is the dominant religion in Lao society, and indeed acts as a key ethnic marker of ethnic “Lao-ness”. However, the ethnic or lowland Lao make up perhaps between 50% and 60% of the population.<sup>16</sup> Prior to 1975 Buddhism was enshrined in the Constitution as the state religion. In line with communism’s avowed atheism it lost this status under the LPDR, which pointedly asserts the right of people “to believe or not to believe” in a religion. One sign of the loss of its former status is that Buddhist religious holidays are not officially recognized, although they are now unofficially tolerated in that it is acceptable on those days to arrive at work late after attending services at the temples. Prior to 1975 there were two

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<sup>14</sup> Amnesty International, *Lao People’s Democratic Republic: The October Protestors: Where Are They*, London, May 2000

<sup>15</sup> See, for example, the interview with the Lao Ambassador to Thailand: Interview de M. Hiem Phommachanh pour Radio Free Asia (RFA), *Le Rénovateur* [Vientiane], 6 April 2004

<sup>16</sup> Khamphuey Vannasopha, *Religious Affairs in Lao PDR: Policies and Tasks*, Vientiane: Education Printery, 2003, p. 26, claims that 75% of the population is Buddhist

main strands (*nikai*) of Theravada Buddhism active in the country, the main *mahanikai* strand and the *dharmayut*, the latter having its origins as a modernizing sect of Buddhism, arising in Thailand in the nineteenth century. After 1975 these two sects were officially dissolved and the *sangha* (the Buddhist clergy) became a constituent part of the LFNC. Some monks who had aligned themselves with the Pathet Lao attempted to provide a Marxist interpretation of Buddhism, but this never really took hold and in the last 15 years more orthodox concerns have come to the fore, including some temples in Vientiane and in the south more or less openly showing a preference for the *dharmayut*. During the peak socialist phase which followed 1975, when all energies of the nation were supposed to be directed towards the building of socialism, expenditures on “wasteful” religious practices were discouraged and tight administrative control over entry into the monkhood was exercised. Among some refugees this was reported as an attempt to suppress Buddhism. However, with the collapse of world communism and the re-orientation of the state towards traditional nationalism in the 1990s we have seen a revival of Buddhism’s fortunes to the extent that it is virtually the state religion in all but name. Monks are vital for most key national rituals and party leaders are highly visible supporters of Buddhism. In the late 1980s all restrictions on contributions to the temples disappeared and men can enter monasteries unhampered. In 2002 there were 4,937 temples and some 19,634 monks in the country.<sup>17</sup>

### **5.1.2 Mahayana Buddhists**

Mahayana Buddhism has had a long standing presence in Laos, catering mainly to the Lao-Vietnamese and Lao-Chinese communities. There are five large temples in Vientiane and another four in Savannakhet and Pakse. Some smaller village temples can be found in villages along the Lao-Vietnamese border. These temples have received monks from Vietnam, China and India and have no problems with the government.<sup>18</sup>

### **5.1.3 Roman Catholic Christians**

The Roman Catholic Church established its presence in Laos along with French colonialism. Since 1975 the major part of its congregation has been Vietnamese, and overall it has 103,000 adherents.<sup>19</sup> It has churches in Vientiane and the other major urban centres to the south. The church in Luang Phrabang was closed after 1975 and it would appear to have not received permission to re-open there because its “foreignness” contradicts the “world heritage” status of the city. A Catholic seminary operates in the town of Thakhek to the south of Vientiane, which has a significant Lao-Vietnamese population.

### **5.1.4 Protestant Christians**

Protestantism also came to Laos in the early years of French colonialism at which time Laos was divided into two spheres of protestant influence, with the Swiss Brethren taking the south and the Christian Missionary Alliance the north. Significantly they were both controlled by members of the same family, the Khunta Panya family from Savannakhet, a member of which continues to control the single protestant organization established under the Lao Front after 1975, the Lao Evangelical Church (LEC). There are approximately 250-300 protestant congregations in Laos today with a following that has grown rapidly since 1990, and now

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<sup>17</sup> See, Evans, G., Secular Fundamentalism and Buddhism in Laos, in Oh Myung-Seok and Kim Hyung-Jun (eds), *Religion, Ethnicity and Modernity in Southeast Asia*, Seoul: National University Press, 1998, pp. 169-206. Figures for the the numbers of monks and temples come from Khampheuy Vannasopha.

<sup>18</sup> Khampheuy Vannasopha, p. 28

<sup>19</sup> *Idem*, p.26; See also United States, Department of State, *International Religious Freedom Report 2003: Laos*, Washington DC, December 2003, <http://www.state.gov/g/drl/rls/irf/2003/23837.htm> [accessed April 2004], which gives a figure of only 30,000-40,000

standing at around 60,000.<sup>20</sup> This growth has brought pressure on the LEC, as new protestant groups make their way into the country. The LEC under the Khunta Panya family has developed an independent strand of Lao Protestantism which is very strict. Its members are not allowed to participate in Buddhist or “animist” ceremonies like the pervasive *bacis*, women and men are segregated inside the church, and so on. The continued family control of the LEC is ensured both by its authoritarian organization, and by the LFNC whose top down structure it mirrors. The symbiosis between the two is shown by the fact that the LEC operates as a gatekeeper for the LFNC vis-à-vis new and competing protestant groups, such as the Lutherans, the Jehovah’s Witnesses or the Baptists, all of whom would have to be approved by the LFNC before they could operate legally inside the country. For example, the Methodists recently tried to petition for recognition by taking the bold step of bussing followers from 11 out of the country’s 18 provinces to the LFNC offices in Vientiane. LFNC officials have been bewildered when confronted by all these different strands of “Christianity”.

Many Protestants are drawn from the upland Mon-Khmer groups, and also from among the Hmong and Yao communities. The attractions of Protestantism for these minority groups would appear to be that it connects them to a “world religion” which counterbalances the cultural pressures towards “Lao-ization” from within the country. Furthermore, it deflects Lao officialdom’s critical characterization of their traditional belief systems as “superstition”. In the urban areas these protestant groups also seem to have attracted some Lao followers, for whom they would appear to hold out the attractions of a “modern” religion, reflecting as they often do beliefs and preoccupations of US Protestantism. We await, however, in depth studies of the attractions of Protestantism for both the minorities and some lowland Lao.

The rapid growth of Protestantism, and its unofficial diversification, caused alarm among some government officials and led to a crackdown on their activities over the period 1999 to 2001, when some 20 of Vientiane Province’s 60 LEC churches, and many others in Savannakhet and Luang Phrabang provinces, were closed down. Some churches were destroyed and some followers imprisoned. This caused an international uproar, in particular among Christians in the US who effectively lobbied the US Government to put pressure on the Lao Government to change its ways. Many of these churches were subsequently allowed to re-open and the Lao Government responded with a new decree, No. 92, on religion in July 2002, which acknowledged the right of religious groups to proselytize, to print books and documents, and “the right to communicate with foreign organizations, religious agencies, believers and individuals”. The decree also provided for the right to send members abroad for studies in “theological matters”. The key provision, however, was that all of this could only occur with the approval of the relevant authority, be it the governor of a province, the mayor of a prefecture, or the LFNC. In other words, the government insisted on its right to control these groups.<sup>21</sup>

Such insistence on control is, as we have seen, built into the structure of government. But as Khampheuy makes clear, the government is also concerned about religious conflict: “Especially in a multiethnic society with outside interference and many different religions, such issues will easily lead to many problems and are misused for political and economic

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<sup>20</sup> This figure is from the U.S. State Department report for 2003. Khampheuy, however, claims there are only 28,045 adherents. Khampheuy Vannasopha, p. 27

<sup>21</sup> The Decree is printed in full in Khampheuy Vannasopha, and for the issue in question see pp. 18-22

interests. So religious problems are the main reason for violence.”<sup>22</sup> Since the passing of this decree the central government has tried to propagate its main principles, which are guided by a sense of religious tolerance. After 1975, of course, communism’s professed atheism could be combined with ideas about resistance to “foreign religious imperialism”. The atheistic emphasis has waned and thus today localized reactions are to the “foreignness” of Protestantism. Where localized crackdowns have occurred the central government has attempted to intervene to explain its policy of religious tolerance. But such localized reactions are likely to continue for some time. For instance, there were reports, originating with the Paris-based Lao Movement for Human Rights and published by Western news agencies, claiming that 11 Christians in Attopeu had been arrested for holding a religious meeting over Christmas 2003, for “simply having prayed together” according to the report.<sup>23</sup> One suspects that they had ignored the government’s directive that prayer meetings should be held in churches and not private homes. It is perhaps also significant that the reports come from a village in which several different ethnic groups have been resettled by the government, a cultural dislocation that may increase the attractions of Christianity.

The Seventh Day Adventists are the only other independent Protestant group recognized by the LFNC. They have churches in Vientiane, Luang Nam Tha in the north, and Champassak and Attopeu in the south, with several hundred adherents.<sup>24</sup>

#### **5.1.5 Bahaists**

Besides the Christian groups there is the Bahai Faith which first came to Laos in 1957 and now has nine temples in nine provinces and more than 8,000 followers.<sup>25</sup> It maintains good relations with the LFNC in Vientiane, but has had more difficult relations with authorities in Savannakhet and apparently elsewhere.

#### **5.1.6 Muslims**

There are around 400 Muslims in Laos, described by Khampheuy as “foreign adherents”,<sup>26</sup> though some are ethnic Lao who have married Muslims. There are two groups. One consists of Pakistani and Indian permanent residents in Laos who have a small mosque in Vientiane. In addition there is another Muslim group, called the Lao Muslim Society, based in a village near Vientiane, and originally created by ethnic Cham refugees from the Pol Pot regime in Cambodia.<sup>27</sup>

#### **5.1.7 Government Policy on Religion**

Within the limits of its authoritarian structure the LPDR is attempting to pursue a policy of religious tolerance. However, problems are likely to continue as protestant groups enter the country unofficially, some of whom will refuse to recognize the government’s strictures. Furthermore, and in line with the fact that Buddhism has become the state religion in all but name, one can see a tendency of the government to support Buddhist missionary work as a way of countering Christian proselytizing. For example, a recent article in the Party paper *Pasason* entitled, “The various minorities of Sekong Province are coming to believe in

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<sup>22</sup> Khampheuy Vannasopha, pp. 2-3

<sup>23</sup> See e.g. Agence France Presse, 11 Detained over Christmas Prayer Meetings in Laos: Rights Group, 1 January 2004

<sup>24</sup> Khampheuy Vannasopha, p. 27

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> Morev, L., Religion in Laos Today, *Religion, State & Society*, Vol. 30, No. 4, 2002, p. 400

Buddhism”, reports on the “positive influence” by lowland Lao on minority communities who have established temples in Sekong.

Today there are five villages... that have agreed to invite monks to carry out prayer rituals to wipe out spirit beliefs, for example the Alak village of Ban Nawa Saen, and the Taliang village of Ban Don Muang... these various villages now lead lives much like lowland Lao and believe in Buddhism... In the future they intend to build more temples in villages that do not have them because the people have a desire to follow Buddhism.<sup>28</sup>

## 5.2 Minorities<sup>29</sup>

The LPDR describes itself as a multiethnic state committed to equality between the many different ethnic groups whose members are citizens. Nevertheless, the top leadership of the LPDR remains lowland Lao dominated. Indeed, as the new regime entrenched itself in the lowland towns and cities it became less dependent on minority support, and less responsive to their demands. However, the LPDR’s propaganda about minorities has produced its own problems, because it has made the minorities more aware of their ethnic differences while simultaneously raising their expectations about social advancement. Under the RLG the various ritual forms, centred on royalty, partially accommodated ethnic differences as hierarchical ones, thereby muting potential conflict, whereas the modern secular state makes a special point of ethnic equality. In this regard the Lao state, like many others, is found wanting, for it is clear to everyone, especially the minorities, that they are not equal citizens. Indeed, the relaxation of political correctness in everyday life since the early 1990s has seen the re-emergence of an older, derogatory nomenclature for them and a proliferation of ethnic jokes at the expense of the minorities, especially the Hmong. Since the days of the RLG “ethnicity” has become a much more potent idea throughout the world, and is a guiding idea in the policies of aid agencies. LPDR rhetoric is certainly in line with this “politics of ethnicity”, but Lao reality is another thing.

Rising expectations have been one source of dissatisfaction with the new regime, especially among the few minority individuals who have managed to get into secondary or tertiary education. But most minorities live in the remote mountainous areas of Laos and government is largely marginal to their lives. However, the relaxed policies on movement in the 1990s have not only allowed Hmong, for example, to visit their relatives in America, but also made it possible for those relatives to visit Laos. Through this channel debates over the Hmong past and future that are vigorous among the overseas Hmong have made their way back into the Hmong communities in Laos, setting up a parallel discourse to the one promoted by the LFNC. If anything, Hmong desires for autonomy have been hardened by their exposure to the politics of ethnicity in America, but it is unclear what impact these ideas have when they reach Laos.

Less visible, but equally important minorities, such as the Khmu, are also quietly voicing their discontent. They were an important part of the Pathet Lao army and some of their members have risen through the ranks, though few hold high positions outside the army. One influential Khmu spoke in 2000 of his unhappiness: “During the revolution it was all about

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<sup>28</sup> *Pasason*, 26 January 2004

<sup>29</sup> See Evans, G., Laos: Minorities, in Mackerras, C. (ed.), *Ethnicity in Asia*, London; New York: Routledge; Curzon, 2003

how the Party supported the people, now it is the people must support the Party. Look around Vientiane, the Lao people are rich, but go to the countryside the Khmu there are poor. They can't get into the university, unless of course their father is a colonel who can get them through the back door. It is not right."<sup>30</sup> It is unlikely that such rumblings are going to go away in the near future.

### 5.3 Hmong Resistance

As we have already seen there was fierce fighting between the government and the remnants of Vang Pao's forces in the aftermath of the revolution. However, in the 1980s clashes between the scattered groups of Hmong and the army died down, largely because the Hmong had retreated into remote terrain and a kind of live-and-let-live arrangement prevailed. This began to change in the 1990s as the government began to open up the country to the outside, but this also entailed improving access to remote areas inside the country and meant the expansion of government control on the ground too. From its inception the LPDR had promoted a policy of resettling upland groups on the plains. The main reason given was that it would help the government promote development, in particular by stopping slash and burn agriculture which was said to be destroying forest resources, and make it easier for the government to provide services to these peoples, such as health and education. The unspoken premise was that it would extend and strengthen the government's control over the population. The centrality of control to their plans can be seen in the government's imperviousness to arguments by foreign experts concerning the merits of shifting cultivation. Indeed, the greatest destruction of primary forest in the past 20 years has been by logging companies, the largest of which have been controlled by the army since the late 1980s. Resettlement had been attempted after 1975, often by soldiers turning up in a village and ordering the villagers to relocate. However, rarely were proper preparations made for these people in their new locations and they experienced such hardship that many fled back to their old highland villages or across the Mekong to refugee camps. In fact government resources were simply not adequate to implement such a programme at this time, regardless of its desirability.

In the 1990s, as new sources of foreign aid flooded into the country, the government has been able to yoke some of this aid to the resettlement programme. This has ensured that better (though far from perfect) preparations have been made for those who have been resettled, the process has been less brutal as it has been carried out with some supervision from foreign donors.<sup>31</sup> The programme has picked up speed over the last ten years and in many cases has caused considerable unhappiness among those pressured to move. This has been one source fuelling discontent.

In more recent years the government has also come under strong international pressure (from the United States in particular) to suppress opium growing. Besides being used as medicine and as a narcotic among the people who grow it, opium has been an important cash crop for highland villages for the past 100 years. The money earned by selling opium is often used to buy rice (if there is a shortfall) or medicines.<sup>32</sup> The US has provided aid to help with crop substitution programmes in Hua Phan and Xieng Khoang provinces, with some minor

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<sup>30</sup> Personal interview, Vientiane, 2000

<sup>31</sup> See Goudineau, Y. (ed.), *Resettlement and Social Characteristics of New Villages*, Vientiane: UNDP, 1997

<sup>32</sup> See Ireson, W. R., Hmong Demographic Changes in Laos: Causes and Ecological Consequences, *Sojourn* [Singapore], Vol. 10, No. 2, 1995

success.<sup>33</sup> But until such programmes are successful and are spread to all villages that grow opium, the suppression of opium by officials marching into villages and instructing villagers to “voluntarily” cut down their crops simply further impoverishes the villagers, and perhaps the government hopes that this impoverishment will force them to join relocation programmes.<sup>34</sup> In general this is what has been going on for the past few years as the government attempts to reach its target of eradicating opium by 2005. Scattered reports give some indication of the progress of this campaign. The *Pathet Lao* daily in March 2004 reported on three districts in Phongsaly province with a population of 7,456 people.

Before the programme was put into action there was around 400 hectares of opium grown, but by the end of 2003 it had fallen to 131 hectares. Previously the number of people who were addicted to heroin in these 3 districts was 440 persons, 103 of whom were women, with the lowest age being 17 years and the highest being 81. Now there are only 76 addicts, of whom 21 are women.<sup>35</sup>

*Vientiane Times* reported that the area under opium had fallen from 26,837 hectares in 1998 to 7,847 hectares in 2003.<sup>36</sup> The economic hardship caused by this programme, driven by foreign pressure, has also caused discontent.

The above programmes had several consequences. As government officials and armed forces encroached on the redoubts of the “resistance”, conflicts escalated. Furthermore, discontent with the above programmes provided recruits for the “resistance”, but they would also prove fatal to it as well. The conflict has become very visible in recent years as members of this “resistance” have carried out several brutal attacks on travellers on the road between Vientiane and Luang Phrabang. It also became very visible after a *Time* magazine reporter and his photographer made their way to one of the redoubts of the Hmong resistance in the special zone of Saysomboune north of Vientiane and in May 2003 published a graphic report of their plight in this globally read magazine.<sup>37</sup> In early June two Bangkok based reporters tried to repeat their feat and were captured and rapidly sentenced to 15 years in jail, causing an uproar among foreign journalists and governments. A deal was quickly done, and they were released, but not the local Hmong who were with them, whose fate remains unknown.

The group visited by *Time* reporter Andrew Perrin was led by 46 year old Moua Toua Ter who had joined Vang Pao’s army at the age of 15. All this time he has expected that Vang Pao and the Americans would come and save the remnants, no doubt encouraged by vague messages from Vang Pao himself, now in Minnesota. Moua is one of the few original soldiers from that army, the new recruits often coming from children of former soldiers who are either dead, aged or disabled. The arms available to his soldiers were no match for the Lao army. He described to Perrin the heavy attacks by artillery, mortars and gunships that his several hundred persons strong group had endured in October 2003, and the casualties among young

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<sup>33</sup> United States, Department of State, *International Narcotics Control Strategy Report 2003*, Washington DC, March 2004, <http://www.state.gov/g/inl/rls/nrcrpt/2003/> [accessed April 2004]

<sup>34</sup> Some acknowledgement of these problems have now emerged in the international Press. See, Laos: Unintended Consequences, *The Economist* [London], 1 May 2004

<sup>35</sup> Khankab Boutala, Phongsaly Samat Lop Lang Neuthi Pouk Fin [Phongsaly is able to reduce the area of opium growing], *Pathet Lao*, 19 March 2004

<sup>36</sup> *Vientiane Times*, 3 March 2004

<sup>37</sup> Perrin, A., Welcome to the Jungle, *Time*, Vol. 161, No. 17, 5 May 2003

and old as well as the soldiers. There are no reasons to doubt Moua's general description, but there are reasons to doubt the common assertion by groups in the US and journalists, including Perrin, that these are ethnically motivated attacks.

On the other hand, on 6 February 2003 a public bus was attacked by the "resistance" on Road 13, just north of Vang Vieng, a some hours drive north of Vientiane. Ten Lao passengers were killed, as well as two Swiss cyclists who were travelling behind the bus. Then on 20 April another bus travelling on Road 13 just inside Luang Phrabang province was also attacked with 12 people killed and 31 injured, and property looted. Eye witness reports emphasize the brutality of the attack:

A passenger from Phongsaly and the bus driver said that most of the passengers were national university students who had visited their homes in Phongsaly province for the Lao New Year holiday and were returning to Vientiane... after the shooting some of the bandits got on the bus and stole many possessions, suitcases and luggage. Before they escaped into the jungle, they took the gasoline from the bus, climbed up on the bus roof and poured it out. Then they set fire to the bus, added the passenger. He said that passengers who were still on the bus had to force their way out of the windows to safety. As they tried to escape the bandits opened fire again and two people were injured. Others too wounded to escape were burned in the inferno, along with those already dead.<sup>38</sup>

The "resistance" leader believed to have been responsible for these attacks is Yang Toua Thao whose base is in Luang Phrabang province. The scattered groups of Hmong are led by such individual leaders who were once part of an army, but have long ceased to be part of a disciplined force. These leaders may or may not cooperate with one another and the allegiance they command is that of a *phu nyai*, at the head of an entourage, in this case made up of a substantial number of clan members. His authority is traditional more than it is that of a modern army commander. Indeed, over the years these Hmong groups have come to resemble the "primitive rebels" described by historian Eric Hobsbawm in his renowned book, *Bandits*. Such rebels have sprung up in Europe and Asia and elsewhere during the transition from traditional societies to ones commanded by modern states and economies. Hobsbawm writes: "Bandits, except for their willingness or capacity to refuse individual submission, have no ideas other than those of the peasantry... They are activists and not ideologists...tough and self-reliant men... Insofar as bandits have a 'programme', it is the defence or restoration of the traditional order of things 'as it should be'..."<sup>39</sup> It should be clear that this use of the term "bandits" is very different from the government's description of the Hmong as "bandits", their translation of *khon bo dii*, which is their attempt to depoliticize the problem. But in this respect the government's description is no more inaccurate than that of groups in the US who wish to describe these Hmong as "freedom fighters" against communism. The majority of the Hmong still in the forests today have little or no understanding of abstract terms like "freedom", "democracy", "communism", or indeed "capitalism". They are tragic leftovers from a tragic war, and have survived into another period purely by virtue of the rugged and remote terrain available to them in Laos. But this is finally coming to an end.

In late February 2004 there were several mass surrenders of Hmong from Yang Toua Thao's

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<sup>38</sup> 12 Dead, 31 Injured in Horror Ambush, *Vientiane Times*, 22-24 April 2003

<sup>39</sup> Hobsbawm, E. *Bandits*, rev. ed., New York: Pantheon Books, 1981, pp. 24-6



group, Moua Toua Ter's group, and a group in Bolikhamsai under Xa Phia Ya. The numbers remain unclear. Initially it was reported that some 300 people surrendered in Luang Phrabang Province, and that some 300 to 400 people from the Saysomboune zone surrendered in Xieng Khoang, and 100 or so in Bolikhamsai.<sup>40</sup> These reports were later modified by the US-based Fact Finding Commission for Laos, who claim to have been in touch with Moua Toua Ter who said that "18 families, 96 people, were captured by military troops" and that three of the men "captured" were executed. Yang Toua Thao, for his part, said that "over 200 people from his group were captured by LPDR military troops".<sup>41</sup> The treatment of these groups of people after their surrender remains unclear, and Amnesty International among others have called on the Lao Government to provide international organizations access to them.<sup>42</sup> The Lao, however, have refused all approaches by international organizations outside and inside the country, claiming that it is an "internal" matter. This, of course, only increases international suspicion about their fate and provides fuel for any rumour. The Lao Human Rights Council in the US, for example, says that if access is denied "then the denial is evidence that the Communist Lao Government of the LPDR committed 'war crimes, crimes against peace, and crimes against humanity'..."<sup>43</sup> The explanation for the Lao Government's myopia in this regard would seem to be years of secrecy with a strong dose of paranoid nationalism. After all, the issue could be defused so simply if the government provided access to these Hmong – assuming, of course, that the government has nothing to hide.

Of course, the Hmong commanders are unlikely to admit that their people are voluntarily surrendering, but this seems to be what is happening. For a long time these Hmong have refused to come in from the mountains because of a very well-founded fear that they would be killed. They had memories of brutal campaigns in the past, and occasional ongoing fire fights. But even the mountains are no longer as cut off as they once were. In the early 1990s television dishes appeared in the mountain provinces beaming in news from far away. The telephone system was renovated and Hmong walked to post offices in Oudomxai or Sam Neua to call relatives overseas, or fax them letters. Then the mobile telephone revolution occurred in the late 1990s, suddenly making it possible for people in remote areas to be in touch with anywhere (and this is probably how the Fact Finding Commission gets some of its information). This means that even very remote communities know about the changes that have been taking place in the broader Lao society, and therefore they have come to know about the possibility of living a different life. No doubt this has led to debates within these groups about the wisdom of continuing their resistance to the LPDR. Perhaps it is this wavering that led to the terrorist attacks on the buses last year by Yang Toua Thao's group. It was an attempt by Yang to tie the group together through the committing of politically senseless atrocities which the government would never forgive. A way of blocking the waverers exit. However, it did not work. Moreover, the larger pressures on these groups, which have been removing the potential supporters of the resistance by relocating them, seem to be having an impact and defections have followed.

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<sup>40</sup> Radio Free Asia, Rebels Surrender to Lao Authorities, 3 March 2004 (news release); Fact Finding Commission for Laos, Over 900 Freedom Fighters Surrender in Laos - More Likely to Follow, Oroville CA, 5 March 2004 (press release)

<sup>41</sup> Fact Finding Commission for Laos, Captured Men, Women and Children Executed by LPDR; Attacks Continue against Secret War Veterans, Oroville CA, 23 March 2004 (press release)

<sup>42</sup> Amnesty International, Laos: Mass Surrender of Ethnic Minority Rebels and Their Families, London, 4 March 2004 (public statement)

<sup>43</sup> Lao Human Rights Council, United Nations and Laos, Eau Claire WI, 28 March 2004 (press release)

Even normally hostile sources have provided reports which demonstrate that the Lao government has restrained itself from using its normally heavy handed tactics, at least with some groups. Radio Free Asia, for example, reported: “In late February, Lao troops surrounded several areas in the north... Aided by leaflets and megaphones, the troops then communicated to the rebels that authorities would grant them amnesty and a special living area if they surrendered.”<sup>44</sup>

The US journalist and writer Ellen Nakashima has also provided a glimpse of the way the government has been handling Hmong who want to come over to them. She writes of the reunion of two brothers, Fong Her and Pa Sy Her. Fong had fled Laos in 1975, his brother stayed behind in the mountains. Fong returned for the first time in 1995 and attempted to contact his brother through a taped message which was given to his sister who lived in Saysomboune.

It took three more years, but in 1998, in a hut in a rice paddy near the forest, his sister managed to arrange a meeting with her brothers, Pa Sy and Xao, who lived with about 60 other Hmong, comprising seven families. She showed Pa Sy a picture of Fong, and played the tape for him. ‘That’s my brother’s voice!’ Pa Sy said, recalling the moment. But Pa Sy and the others said they did not want to come down from the mountains, because they were waiting to be saved by Gen. Vang Pao... Fong persisted in his effort to coax his family out of hiding. In late 1999, he contacted a distant cousin, a major in the Laotian army who was in charge of an area in Saysomboune, near the group’s mountain redoubt. He agreed to meet members of the group and escort them safely to town. After a 10-day hike, Pa Sy emerged from the jungle on Jan. 25, 2000. A small group of soldiers was waiting at the rendezvous site. He was unsure whether they had come ‘to help us or to kill us’, he recalled. But the major reassured him and his family they would be given safe passage, he said. Five days later, the brothers were united on a roadside in Kilometer 52. Fong said he recognized Pa Sy, a slight man who resembled their father. The brothers embraced. They wept.<sup>45</sup>

Now Pa Sy works in Fong Her’s hotel in Vientiane where Nakashima met him.

It is unlikely that all attempts by Hmong to come in from the mountains work out so smoothly. There is a great deal of suspicion on both sides, and it would be easy for something to go wrong, and a trigger-happy soldier on either side could cause chaos. But there is evidence, including from conversations with diplomats and aid workers in Vientiane that the government is now trying to solve the problem peacefully.

In September 2003 there was some kind of Hmong uprising in the old revolutionary base province of Hua Phan. It was serious enough for the UN to withdraw several volunteers from the province.<sup>46</sup> A Hmong official in the LFNC said it was led by Chao Fa, the Hmong millennial movement that has been intermittently active in the region for several decades. They had, he said, a flag with a moon and stars and carried out rituals to protect followers from enemy bullets. They attacked traffic along main roads, and they attacked army outposts. Provincial officials ascribed the uprising to dissatisfaction with the opium eradication

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<sup>44</sup> Radio Free Asia, Rebels Surrender...

<sup>45</sup> Nakashima, E., Finally, a Life Out of the Mountains, *Washington Post*, 7 March 2004

<sup>46</sup> Radio Free Asia, UN Said to Withdraw Workers from Laos over Safety Fears, 11 September 2003

programme. These are not exclusive explanations, because the discontent with the opium eradication programmes, the impoverishment it causes, and attempts at relocation would all disrupt Hmong society sufficiently for a movement to arise to “set things right”. Indeed, it is hard to know how much this messianism is also influenced by the Hmong in neighbouring north Vietnam, with whom they have contact, where evangelical religious beliefs and messianism has struck deep roots in the past decade.<sup>47</sup>

Indeed, open forms of a kind of messianism have manifested themselves among the Hmong of Xieng Khoang. In 2003 a Hmong preacher in Ban Lae, Muang Khun, encouraged his followers to go into the forest for prayers, and when there to take off all their clothes, a kind of baring their soul to God, but also a transgression of norms of comportment, something common to millennial movements. In a re-enactment of Christ’s resurrection he, with his son’s help, killed his wife and proclaimed she would rise again in three days. She did not, and he was arrested for murder.<sup>48</sup>

More significantly, in early 2004 fourteen Hmong protestant churches, led by a Pastor Lee, defected from the LEC to the still underground Methodists and called on the LEC to “excommunicate” them. This would seem to be an expression of Hmong attempts to align themselves as an ethnic group with one particular variant of Protestantism. In other words, Christianity is being mobilized to express ethnicity, and indeed the LEC has been concerned about young Hmong pastors who come for training being more interested in their “Hmongness” than the Scriptures.<sup>49</sup>

All of this presages the coming of a consciousness of modern ethnicity to Laos, rather than the more traditional concerns one might find among the Chao Fa and the “resistance”. This ethnic consciousness is promoted by the government, by international organizations, and by overseas Hmong, especially those in the US, who have been exposed to the modern politics of ethnicity. In this respect one might suggest that even though the armed “resistance” is ebbing, ethnic politics is only just beginning in Laos.

Critics of the LPDR have employed the term “ethnic cleansing” to criticize the Lao Government’s policies towards the Hmong. However, neither this term, nor the earlier use of the term “genocide” is a proper description of the complex situation we find inside Laos.<sup>50</sup> Many Hmong supported the Pathet Lao, just as many opposed them. The government has not tried to “cleanse” those Hmong who support it; and many who did oppose the Pathet Lao have made their peace with the regime. Indeed, among the minorities in Laos the Hmong have been among the most successful, with people high in the government, in the bureaucracy and in business.

On 21 August 2003, however, the Lao Government was criticized by the United Nations Committee on the Elimination of Racial Discrimination, which expressed its concern about the Hmong based on submissions to it by right-wing and Hmong refugee groups in the United

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<sup>47</sup> See Lewis, J., *The Evangelical Religious Movement among the Hmong of Northern Vietnam and the Government’s Response: 1989-2000*, *Crossroads*, Vol. 16, No. 2, 2002

<sup>48</sup> Diplomat, Vientiane. Personal Interview, 17 March 2004

<sup>49</sup> *Idem*

<sup>50</sup> For one discussion of these complexities see Hinton, A. L. (ed.), *Annihilating Difference: The Anthropology of Genocide*, Berkeley: University of California Press, 2002

States. It pointed out that Laos had signed onto the committee in 1974 and was eighteen years overdue in making a report to the committee.<sup>51</sup> Stung by this criticism the Lao Government is now hurriedly compiling its submission.

Encouragement came on 26 November 2003 when Vang Pao announced his “Peace Doctrine” to a gathering of Lao Americans in Minnesota. He said:

The era of killing must stop . . . and allow a new era of peace, prosperity and happiness to come to the millions of people living in Laos. We as the leaders, regardless of political affiliation or philosophy, need to put our individual [and] personal differences aside. We need to slowly begin new dialogues that will strengthen the nation and people.<sup>52</sup>

He also called for an end to the campaigns against Hmong “resistance” remnants inside Laos. And his doctrine states that in order for Laos to prosper, it must give its people human rights.

Let me make it very clear that the strength, stability, attractiveness and tranquillity of a country are directly derived from its people... When the people have the freedom and flexibility to make their own choices ... they are more responsible and committed to seeing those decisions through.<sup>53</sup>

This statement is an important sign that Vang Pao recognizes that the influence he may have had in Laos via the “resistance” has almost collapsed. He still has some influence in the US, though even this appears to be fracturing as recent reports of attacks on his supporters in the US suggest.<sup>54</sup> It is likely that he will eventually be eclipsed by Hmong-American radicals who know nothing of the Laos Vang Pao grew up in and who are more interested in the destructive politics of ethnicity loved by “long distance nationalists”.<sup>55</sup>

#### **5.4 Political Dissidents**

Besides the dissidents that emerged from within the party’s ranks during the turbulent years of world communism’s collapse, there has only been one other public expression of political dissidence, when in October 1999 some students and others attempted to hold a pro-democracy demonstration in front of the presidential palace. Five persons were arrested and sentenced to 20 years imprisonment in a closed trial.<sup>56</sup> There is no other information available on this question.

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<sup>51</sup> United Nations, Committee on Elimination of Racial Discrimination Adopts Texts on Laos and Latvia, Geneva, 21 August 2003 (press release)

<sup>52</sup> Her, L. Y., Hundreds Hear Hmong Leader Give Plans for Peace with Laos, *Star Tribune* [Minneapolis – St. Paul], 27 November 2003

<sup>53</sup> *Ibid.*

<sup>54</sup> Márquez Estrada, H. and Chao Xiong, Attacks on Hmong Leaders a Puzzle, *Star Tribune* [Minneapolis – St. Paul], 2 May 2004

<sup>55</sup> See Anderson, B., *The Spectre of Comparisons*, London; New York: Verso, 1998, ch. 3, Long-Distance Nationalism

<sup>56</sup> Amnesty International, *Lao People’s Democratic Republic: The October Protestors...*

## 6 Refugee and IDP Movements and Status

Refugees flooded out of Laos in two main waves. Starting in early 1975 business people began to sell up and leave if they could, but it was the resignation of key “rightist” ministers in May and the takeover of the security apparatuses by the Pathet Lao that caused many people associated with the RLG to quit the country, many taking advantage of the fact that they could enter France visa-free, which remained possible until August of that year. The numbers had begun to swell so much by that time that visa-free entry was suspended. The fleeing of Vang Pao to Thailand in an airlift that brought some 12,000 of his soldiers and their families caused disarray among his followers, who began to move to Thailand too. The effective disbanding of the Royal Lao Army midyear and the beginning of “seminars” for the disbanded troops and their officers also caused many people to reflect on their future inside the country. The declaration of the Lao People’s Democratic Republic on 2 December 1975, and the shock of the abolition of the monarchy, spurred many people to leave, especially civil servants at all levels. Thus by 1977 over 100,000 lowland and highland Lao had sought refuge in Thailand. They were placed in holding centres by the Thai who did not recognize them as refugees, but many began to find places in the US which felt a special responsibility, as well as in other countries.<sup>57</sup>

A second wave was prompted by the launching of the collectivization programme in Laos in 1978, which saw the state try to directly reorganize rural villages, and this caused large numbers of lowland Lao peasants to leave. Poor weather conditions in both 1977 and 1978, combined with the disruptions caused by attempts to reorganize agriculture, meant that economic conditions began to play a major role in decisions to depart. Also, at the same time, in the highlands a major campaign was being carried out against Hmong resistance and this also caused a surge in highland Lao refugees. “Pull” factors operated too, because people inside Laos began to realize that there was somewhere to run to as the refugee placement programme got into gear in the camps in Thailand, and more and more Lao were finding places overseas. It is estimated that by 1985 some 350,000 Lao had left, or around 10% of the population, a significant proportion of them being educated and therefore a serious loss to this underdeveloped country. By 1990, more than 90,000 Hmong refugees had gone to live in the United States; 6,000 in France; and 3,000 in Canada, Australia, Argentina and French Guyana. Another 60,000 lowland Lao had been resettled, mostly in the United States (35,000), France (16,000), Canada (4,000), and Australia (8,600).<sup>58</sup>

In 1980 a voluntary repatriation programme was set up by the Laos government and UNHCR, and by the end of 1993 this had assisted nearly 19,000 Laotians to return home, while an estimated additional 30,000 had returned without involvement with the repatriation programme. Most of those returning were lowland Lao, while the majority of the approximately 30,000 Lao refugees remaining in camps in Thailand in 1993 were upland Lao. Approximately 1,700 Laotian refugees remained in China, but by the mid-1990s these had been resettled back in Laos.<sup>59</sup> It was primarily the job of the UNHCR to provision and

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<sup>57</sup> See Van-es-Beeck, B.J., *Refugees from Laos, 1975-79*, in Stuart-Fox, M. (ed.), *Contemporary Laos*, St. Lucia; London: University of Queensland Press, 1982; Long, L.D., *Ban Vinai: The Refugee Camp*, New York: Columbia University Press, 1993, especially chapter 3

<sup>58</sup> Lee, G. Y., *Refugees from Laos: Historical Background and Causes*, 1990, <http://www.hmongnet.org/hmong-au/refugee.htm> [accessed April 2004]

<sup>59</sup> Savada, A. M. (ed.), *Laos: A Country Study*, Washington DC: Library of Congress, 1995, <http://lcweb2.loc.gov/frd/cs/latoc.html> [accessed April 2004]

monitor these returnees, which it did up until the closing of its office in Vientiane at the end of 2001. Refugees were returned to more than 40 sites in 11 out of the 18 provinces of Laos. There were, quite naturally, many difficulties in re-establishing new communities back in Laos, and often the local authorities allocated marginal land to the returnees. There have been no serious acts of discrimination against these returnees, although clearly some local officials feel that these people who fled should not receive any special international support either. The US-based NGO, Refugees International, followed what they described as the “forced” repatriation of an ethnic Htin group from northern Laos back to Ban Dong Luang in Sayaboury province:

...the most critical threat to the survival of the refugees came from the lack of arable land. We urged the UNHCR and donor governments to move ahead with irrigation and other projects necessary for nutritional adequacy and self-sufficiency. A 1998 UNHCR survey of returnee sites concludes about Ban Dong Luang: ‘The overall conditions for the reintegration process of these Htin repatriates are poor, compared to the local villages. The lack of irrigation scheme, poor health condition and shortage of rice should be major concerns.’ Indeed, Refugees International believes that the mortality rate for this group of returnees is far higher than for the average village in rural Laos. The returnees lacked mosquito nets, and malaria is widespread. ‘Almost every household is affected by illness, and the refugees do not have the money to pay for medicine or medical treatment.’ While UNHCR supported some programs through the Consortium – an American NGO – with funding from the U.S. government, none of these projects, including a pig bank, fully succeeded. Of 160 school-aged children, only 20 are enrolled in school, the others are engaged in ‘finding foods’. Some irrigation was finally provided recently [2002] with UNHCR funding, but the land irrigated was not enough for all of the Htin returnees.<sup>60</sup>

Such difficulties of resettlement have occurred not just with refugees but, as was indicated earlier, with all groups being resettled inside Laos. After 1998 they along with other groups in resettlement programmes were urged into “focal sites” that had been launched as the main platform for the Lao Government’s rural development strategy. Both international aid organizations and NGOs were encouraged to be active in these “focal sites”.<sup>61</sup>

By the mid-1990s the number of Lao refugees in Thailand had dwindled to some 14,000 Hmong who had ensconced themselves in Wat Tham Krabok in Saraburi, 90 km north of Bangkok. Thailand had planned to move the Hmong to north-eastern Nakhon Phanom province, but this move was cancelled after Laos expressed concerns that the refugees would threaten security along their border, and due to considerable opposition from Thai people in the area. The Hmong in the camp had not only been associated with insurgency, but also with crime and drug running. In December 2003, however, the US Embassy in Bangkok announced that the people at the Tham Krabok temple would be eligible to apply for

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<sup>60</sup> Refugees International, *Refugee Focus: Refugee Returnees in Laos*, Washington DC, 13 March 2002, <http://www.refugeesinternational.org/cgi-bin/ri/other?occ=00328> [accessed April 2004]

<sup>61</sup> For a brief description of this strategy see, Maertens, A., Resettlement and Integrated Rural Development in Lao People’s Democratic Republic (LPDR), *Resettlement News*, No 3, July 2002, <http://www.displacement.net/news3.htm> [accessed April 2004]

resettlement in the United States.<sup>62</sup> Evaluation began in February, with question marks still hanging over those in polygamous marriages (which contradict US law), and drug addicts. Yet, it looks as if most people in this last major concentration of refugees from Laos will be on their way to America in 2004.

Overall it would be fair to say that the “refugee problem” in Laos effectively came to an end in the late 1980s after the Lao government began to relax travel restrictions within the country and restrictions on overseas travel, including migration to join relatives. Moreover, the new economic policies improved conditions inside Laos, and with further political relaxation few people wished to leave. However, relative freedom of movement quickly brought with it another set of problems, illegal labour migration and the trafficking of children and women. A report, sponsored by the ILO and released at the beginning of 2003, estimated “that at present there are at least 50,000 Lao illegal labourers working in Bangkok. This figure does not include those who work in the agricultural sector and construction sites in provinces along the Lao-Thai border, thought to number at least another 45,000.”<sup>63</sup> There are networks that reach into the villages along the Mekong and draw Lao into various forms of labour, with traffickers demanding payments that place those trafficked in debt for almost a year. Both the Thai and Lao governments are attempting to grapple with the problem, but factors like the absence of non-agricultural employment in Laos, and attractions like better wages and “brighter lights” on the Thai side feed the traffic. Some of those trafficked have fallen into terrible traps where they have been treated brutally by employers, or drawn involuntarily into prostitution, and these cases have been given wide publicity inside Laos. But many have been undeterred, while others go willingly into the bars so that now Lao form part of the reserve “labour” pool for Thailand’s sex industry. On the other hand, illegal labourers repatriated to Laos from Thailand have often been treated arbitrarily on the Lao side, where they may be forced to work for local officials because of their misdeed, or locked up for a time. In October 2002 the Lao and Thai governments came to an agreement to allow Lao citizens to legally work in Thailand. The areas in which they could work remained to be specified, but it was hoped that it would regularize the movement of labour between the two countries and therefore reduce their vulnerability to traffickers.<sup>64</sup> An agreement to this effect was signed on 27 April 2004.<sup>65</sup>

## 7 The Role of IGOs and NGOs

After the revolution most of the major IGOs, such as UNDP or the IMF, maintained some programmes inside Laos. At a governmental level, key western donors that had previously been vital to the survival of the RLG, such as the USA, dropped out of the picture, but others stayed on, in particular Australia, Sweden and Japan. The LPDR has been as dependent on foreign aid as its predecessor; however in the immediate aftermath of 1975 the place of the USA was replaced by the USSR and by the Socialist Republic of Vietnam, who supplied thousands of advisers at all levels of the Lao state. In terms of general policy advice the

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<sup>62</sup> Embassy of the United States of America, Bangkok, The U.S. to Open a Refugee Resettlement Program for Lao/Hmong at Wat Tham Krabok, 18 December 2003 (press release), <http://www.usa.or.th/news/press/2003/nrot050.htm> [accessed April 2004]

<sup>63</sup> Inthasone Phetsiriseng, *Lao PDR: Preliminary Assessment of Illegal Labour Migration and Trafficking in Children and Women for Labour Exploitation*, Bangkok: International Labour Office, 2003, p. 11

<sup>64</sup> Penchan Charoensuthipan, Lao People Allowed to Legally Work in Thailand, *Bangkok Post*, 19 October 2002

<sup>65</sup> Vietnam News Agency [Bangkok], Thailand, Laos Sign Labour Agreement, 27 April 2004

LPDR remained heavily dependent on these states up until the collapse of the USSR and of communism in Eastern Europe, and during this period IGOs had relatively little influence on the direction of Lao Government policy.

In the 1990s IGO presence and influence in the LPDR expanded dramatically as Laos became increasingly dependent on their support for economic, social and cultural programmes. Over the same period there has been a general shift in policy emphasis towards issues of “governance” and “human rights” as criteria for the supply of foreign aid. This has meant that the Lao Government has had to become much more responsive to these international concerns. This is best exemplified in the long-running debate over the feasibility or not of the Nam Theun Dam on a tributary of the Mekong for which the LPDR has sought World Bank support. As *The Economist* wrote in late 2003:

Umpteen engineers, environmentalists and social workers have sniffed around the Nakai plateau, part of which will be flooded by the dam’s reservoir. As the latest delegation passes through, one of the locals wheeled out to meet it complains that he has attended 14 such consultations in the past two years. When, he asks, will his grand visitors make a decision?<sup>66</sup>

After all, the Government had made all the necessary pledges on protecting the environment and resettling the people affected by the dam. By early 2004 this project still has not received approval, though it probably will receive it soon.

A July 2003 editorial critical of big dam projects in the Bangkok *Nation* wrote:

Nam Theun 2 is symbolic as the largest dam planned on the Mekong tributaries and the first to comply with the World Bank’s new mechanism of giving political-risk guarantees to private investors to boost their confidence in unstable countries like Laos by ensuring them a return on their investment should it run into difficulties. The current uncertainty surrounding Nam Theun 2 is instructive in many ways. The Nam Theun 2 is to Laos what the Three Gorges project is to China. While the Three Gorges is China’s most ambitious, contentious and costly dam, Nam Theun 2, though much smaller in size, is still the largest, most controversial and expensive infrastructure project ever planned in Laos. The dam’s projected cost of US\$1.1 billion (about Bt46 billion) is well over half Laos’ GDP of \$1.8 billion. While the Three Gorges is due for completion soon, construction of Nam Theun 2 has not even started. This is because Three Gorges is financed by the Chinese government, which is accountable to no one, while Laos needed the involvement of a multilateral public institution like World Bank, which is subject to public scrutiny under a normal democratic process.<sup>67</sup>

Laos has announced other dam projects in conjunction with China and Vietnam, and although these deals claim they will respect environmental and social issues, in reality they will be under no democratic restraints. Perhaps Laos has turned to these neighbours deliberately in order to avoid the complications that have dogged them over Nam Theun.<sup>68</sup> The costs of this manoeuvre, however, may be that Laos will find itself in no position to complain about the

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<sup>66</sup> Damned If You Do, *The Economist* [London], 27 November 2003

<sup>67</sup> Twilight on the Day of the Big Dams, *The Nation* [Bangkok], 26 July 2003

<sup>68</sup> Phonekeo Vorakhoun, Laos Makes a New Wave of Agreements with China, *Vientiane Times*, 19 March 2004



impact that large Chinese built dams inside China are having on water levels and the ecology of the Mekong downstream.<sup>69</sup>

IGOs have also been directly involved in attempts to improve governance inside Laos, either by providing aid to the Justice Ministry to improve laws and administration (UNDP, SIDA), or even to the National Assembly, where study tours of other parliamentary systems have been sponsored (Germany, SIDA) in the hope that some lessons can be transferred to Laos. World Bank and Australian aid is involved in a land-titling project whose aim is to introduce secure tenure as the basis of a market driven system.

After 1975 only two foreign NGOs were left with offices inside Laos, the Quakers and the Mennonites, who were allowed to stay because of their pacifism and criticism of the US during the Vietnam War. They have been involved in small scale health and nutrition projects, and in clearing up unexploded ordinance (UXO) left from the war. For a time they were the main conduit for other NGO aid.<sup>70</sup> When Laos' thirst for foreign aid shifted westward in the 1990s it was also with the realization that NGOs could play an important role in Lao development, especially given their focus on smaller scale projects. But this required the formulation of clear regulations which were finally released in March 1995, after which the foreign NGO presence inside Laos rapidly increased. Today there are over 50 NGOs in Laos engaged in agriculture, education, UXO clearance, health, etc.

There are no Lao NGOs, as the government is inclined to see non-government as anti-government. Moreover it is consistent with the structure of government, which has no place for civil society organizations.

Foreign NGOs quickly realized that the situation inside Laos was very different from, for example, Thailand. They had to work closely with a government department or ministry and could not comment publicly on government policies or events inside the country. Any criticisms or pressure on the government or on international organizations delivering aid to Laos had to be done by their parent organizations. Nevertheless, their presence on the ground has ensured that the international wings of the NGOs are better informed on issues than they would be otherwise and any criticisms more effective as a result. Their aid work practices and their training for local Lao has also spread a more participatory ethos among the Lao they come in contact with and work with. Both the IGOs and NGOs have had an informal impact on Lao who work with them through their demonstrations of different methods of working, and their practice of a more democratic work style. Within these organizations Lao employees are exposed to ideas, debates and literature that would normally have been unavailable to them. In this sense the IGOs and NGOs have created a kind of incipient civil society.

The emphasis on governance in international aid circles has made the Lao Government sensitive to demands for civil society institutions. Thus in recent years various associations have been established for journalists, teachers, and vehicle drivers (e.g. a Volkswagen Association), and a medical association is in the pipeline. But all of these associations require

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<sup>69</sup> See, Chinese Dams Blamed for Mekong's Bizarre Flow, *New Scientist* [London], 25 March 2004, and alternately, Drought, Not Chinese Dams, Blamed for Lower Flows in the Mekong, Agence France Presse, 27 March 2004

<sup>70</sup> Based on personal interviews and discussions with personnel from these two organizations in Vientiane at that time

government approval, and still require “sponsorship” by a government department or the LFNC, and some say require the participation of at least some LPRP members. In other words, they only give the appearance of being civil society organizations.

Pressure on the national budget, however, could be producing some unexpected results. Members of mass organizations, such as the Lao Women’s Union, are on the same salary scale as civil servants, but these organizations are now being encouraged to search for funds through arrangements with international organizations such as NGOs. This interaction has raised some questions about the degree of their allegiance to the government, or to their constituency and their financial supporters. It has been suggested that they are no longer the musty, drab, state sponsored organizations they once were. However, they are not civil society organizations either, at least not yet.

Generally the presence of IGOs and NGOs in Laos has placed constraints on arbitrary actions by the Lao Government which now has to respond to the pressures that these organizations can bring to bear for more participatory development, attention to governance issues, and issues related to gender, ethnicity and human rights. The Lao Government, however, is very aware of this and through an increasingly close relationship with China is looking for ways to circumvent these pressures too.

## **8 Conclusion**

The overall drift of this report is that there are fewer and fewer “persons of concern” inside Laos today, and that personal freedoms and legal protection for individuals have expanded in the past decade and will probably continue to expand slowly. The fundamental weakness in the structure from a human rights perspective is the merging of the LPRP and the government, a defining characteristic of communist style states. This is unlikely to change in the near future and therefore arbitrary actions against political dissent, social dissent, or even religious dissent can be expected from time to time.

On the immediate horizon are arrests and detentions of members of protestant groups who are not recognized by the LFNC. This lack of recognition is partly a function of the desire of the LFNC to keep all Christians under the umbrella of the LEC, and the refusal of some groups to subordinate themselves to the LEC. Then there is the cozy relationship between the leadership of the LFNC and the LEC, with the latter acting as “gatekeeper” for the former, and in the interests of maintaining its power refusing to recognize some groups. On top of this there are certain to be groups who will not recognize that the Lao state has any control over them. All of these factors will ensure that there are ongoing problems between the Lao Government and some Christian groups for the foreseeable future. The Lao Government has attempted to respond to outside criticisms within the constraints of its style of government, and perhaps all that international organizations can do is encourage further liberalization.

The Hmong “resistance” is all but finished and so have major military actions against them. The remnants are now very small, but international organizations need to maintain pressure on the Lao government to treat them leniently, and attempt to gain access to those who have surrendered.

Beyond this immediate horizon, there is the entry of what I have called modern ethnic politics into the consciousness of some minorities in Laos, but especially the Hmong, and this is also seeking religious expression. It is very difficult to predict the direction of this change, which

the government may find it hard to co-opt, and a different kind of ethnic conflict may occur in Laos in the future. Perhaps liberalization of the political structure may avert the hardening of positions.

The dominance of the LPRP, however, is unlikely to change soon because it is extremely difficult to mobilize any political opposition to its rule from within the country. But it must also be acknowledged that its policies in the last decade, which have brought greater freedom and prosperity to the population, and the jettisoning of orthodox communist ideology in favour of a more conventional nationalism, has won the LPDR legitimacy. Whatever the complaints of its citizens, in the cities at least, they also value the social and political stability found inside the country compared with what many of them see as a chaotic world, and many have memories of a traumatic recent past. The new rich and the small middle class have achieved their wealth through close connections with the state and do not wish to see this jeopardized. Moreover, the broad intellectual culture which can flow from the formation of a middle class and therefore breed political alternatives is only beginning. The overwhelming majority of Lao citizens live in the countryside as peasants and are largely apolitical, but by default support the government in power. Their sons are the backbone of the army which can be used to crush any dissent.

Only if China changes radically in the next decade can one expect radical changes to the mode of government inside Laos.

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