



The Human Rights and Political Situation in Laos: Challenges and Opportunities, Testimony Presented to the Tom Lantos Commission on Human Rights of the U.S. Congress by Bounchanh Senthavong, on behalf of the Union for the Lao Nation and its affiliated Study and Research Center on Laos and Asia (Email: bsenthavong@yahoo.com).

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Mr. Chairman, Members and Staff of the Commission, other Congressional Staffers, Ladies and Gentlemen, good morning:

Just a few days after the Human Rights Day (December 10) is an especially appropriate time to be giving attention to the very significant, but long overlooked problems of major human rights abuses in the Southeast Asia region, and by the government of Laos in particular. With the United States government's political and economic interests "rebalance" towards Asia in a major way, as indicated in the Trans-Pacific Partnership trade agreement deal, and the policy of reconciliation with Vietnam in the aftermath of the Vietnam War, it is essential that the U.S. Congress, the Executive Branch, and the American people have a more realistic and thorough understanding of the situation in Southeast Asia with respect to human rights and democracy. Though Laos is a non-member of the TPP, we cannot expect meaningful, fair and mutually beneficial trade arrangements and political and diplomatic exchanges to take place with nations that deny their workers' and their citizens' basic human rights, and operate under highly autocratic, repressive and exclusionary systems of governance.

Laos is a prime case in point. As the U.S. Department of State's Human Rights Country Report for Laos for 2013 indicates, "the Lao People's Democratic Republic is an authoritarian state ruled by the only party" (the communist party) that nation's Constitution authorizes and allows to exist. According to the State Department report, Laos operates with "significant human rights problems" that include numerous arbitrary and unlawful disappearances, executions and detentions designed to prevent any opposition to government policies, or the development of any meaningful political activity on the part of its citizenry. In practice, free speech and freedom of association, and any criticism of the government are officially "forbidden," (FIDH Briefing Paper on Laos Human Rights Violations prepared for the Asia-Europe Summit Meeting of Heads of State, November 5, 2012), and workers are not permitted to organize and bargain collectively, with all worker activities controlled and dictated under the law by the government and the ruling

party (Human Rights Watch Issues Paper “Concerns on Laos,” prepared for the EU-Laos Human Rights Dialogue, October 2015).

To compound these problems, the government of Laos is heavily infiltrated and controlled by the government of Vietnam. Vietnamese advisers of all domains and fields are placed in all levels of Lao government. Lao civil servants in the work place are encouraged to learn Vietnamese language. Vietnam has sent large numbers of military forces and civilian settlers to Laos on a permanent basis. The Lao National Council for Democracy has estimated that as many as 70,000 Vietnamese soldiers currently are stationed in Laos, occupying military installations and border regions (Statement of the Lao National Council for Democracy cited in GlobalSecurity.org review of Laos-Vietnam Military Relations). The government of Vietnam has sought to require Laos to grant citizenship to them, which would, as a practical matter, make Laos little more than a province of Vietnam, unable to operate as an independent and sovereign nation. Vietnam’s extensive and pervasive influence and control over Laos’ military, foreign policy, security, economic, educational and socio-cultural affairs has been formally recognized and solidified by the Lao-Vietnamese Treaty of Special Friendship and Cooperation that was entered into in 1977 for a period of 25 years, with automatic and ongoing ten year terms of renewal thereafter.

These actions by Vietnam, and the impacts that they have on the government and people of Laos, are in direct violation of the standards set out in the Paris Peace Accords of 1973, and the Final Declaration of the Geneva Conference Restoring Peace in Indochina of 1954. Article 5 of the Sovereignty Agreement portion of the Paris Accords guarantees the “sovereignty, independence, territorial integrity and inviolability” of the signatory nations, and stipulates that all foreign military forces will be withdrawn to their home countries and not redeployed.

Among the examples of significant human rights abuses taking place in Laos on a regular basis that must be given greater attention by the U.S. Congress and the U.S. government are the following:

- 1. Freedom of Speech and of the Press.** In 2014, the Press Freedom Index issued by Reporters Without Borders listed Laos as number 171 of 180 nations surveyed in terms of their recognition and observance of freedom of speech and freedom of the press standards. This was based on the policy of harsh repression against government critics, including arbitrary arrests, imprisonments and disappearances of anyone voicing opposition to government policies, the fact that all media outlets are controlled and authorized by the state, and the adoption in September of 2014 of Decree 327, prohibiting any online criticism of the government, with stiff criminal penalties for any Internet or social media users and service providers who violate the law. Laos also has imposed a series of restrictions on the activities of civil society organizations, and domestic and international nongovernmental agencies. (Human Rights Watch Issues Paper “Concerns on Laos,” November 5, 2015, page 4; and RFA Lao Service “Laos Warns Facebook Users Who Disrupt ‘Social Order, Undermine Security’”, July 14, 2014).
- 2. Arbitrary Detentions and Disappearances.** Human Rights Watch has noted that the case involving the enforced disappearance of prominent civil society leader and Magsaysay Prize award winner Sombath Somphone, when he was stopped by the police

at a checkpoint, still remains unsolved, and has not been properly investigated, despite convincing evidence indicating that police and national security officials were involved in his abduction on December 15, 2012. They note that numerous other civil society leaders who have been critical of the government have been arbitrarily arrested and forcibly disappeared, citing ten specific cases, including that of Sombath Somphone, where the government of Laos has purposefully “failed to conduct a serious investigation ... or to provide any other credible information” on the fate or status of the victims. (Human Rights Watch Issues Paper “Concerns on Laos,” November 5, 2015, pages 2-3).

3. **Worker Rights.** Article 5 of the Trade Union Law of 2008, requires all unions to “conduct their activities in line with the unified leadership” of the government and the Lao Communist Party, effectively closing off any rights of workers and unions representing their interests to organize and bargain collectively on an independent and effective basis. The right to strike also is specifically prohibited under Article 65 of the Labor Law of 2007. Despite Laos’s non-participation to TPP, these severe restrictions on worker rights makes it impossible for the assurances for fair treatment of workers in the TPP agreement to be fulfilled, and places American workers at a serious disadvantage if their products are placed in competition with Laotian goods as a result of free trade arrangements, because of Laos’ low labor standards. (Human Rights Watch, Id. At pages 6-7.)
4. **Unlawful Land Grabbing and alarming deforestation.** As is also true for Cambodia, land grabbing and land evictions have become an increasingly serious problem in Laos, adversely affecting major portions of the Laotian people, and unlawfully forcing them from their farms and homes without fair compensation for the benefit of government officials and the companies that they favor. For example, the recent report “Rubber Barons: How Vietnamese Companies and International Financiers Are Driving a Land Grabbing Crisis in Cambodia and Laos,” issued by the group Global Witness in May of 2013, documents how the Vietnamese owned firms Hoang Anh Gia Lai (HAGL) and the Vietnam Rubber Group (VRG) were granted land concessions by the government of Laos that displaced hundreds of families, “devastating local livelihoods and the environment” without providing the victims proper compensation or relocation assistance. (Rubber Barons, Exec. Summary, page 2.).

In the other hand, due to on-going illegal massive wood trafficking, Laos’ forests have been systematically destroyed and as a result the forest area of the country has reduced to “less than 40% against 70% 30 years ago”, shortly before the communists seized the power in 1975, reported by the Environment Investigation Agency (EIA) in its survey of 2011, “Crossroads. The Illicit Timber Trade Between Laos and Vietnam”, page 2. EIA denounced the Vietnamese army as the pivotal role in the trafficking of wood, played in particular by the Company for Economic Cooperation (COECCO), owned by the army, page 8.

These practices are just the tip of the iceberg with respect to the wide range of serious human abuses that are engaged in on a regular and systematic basis by the government of Laos. They must be given greater attention by the United States if we expect our increased economic and

political activities in Southeast Asia to take place in a way that does not put our own workers and consumers at a severe disadvantage, and does not undermine our own democratic principles and way of life. We cannot expect a bloc of tightly controlled and highly repressive communist governments to compete with our workers and companies on a free, fair and equal basis, unless more effective steps can be taken to assure that human rights and democratic standards are observed in a more meaningful way than currently is the case for Laos, and Vietnam.

In particular, there are a number of immediate actions that the U.S. Congress and the U.S. government must take on an urgent basis to promote more effective observance and application of human rights and democracy reform standards by the government of Laos:

1. All future trade arrangements and agreements with Laos, most especially any trade concessions granted under the terms of the TPP, must include strong provisions assuring observance and effective enforcement of internationally recognized human rights and democracy reform standards. Absent a certification to Congress by the U.S. Department of State that significant progress is being made by the government of Laos with respect to human rights and democracy reform, no trade agreements or concession with Laos should be permitted;
2. Military and other forms of foreign assistance to the government of Laos, including loans and assistance provided by the international financial institutions that the U.S. government supports, should be withheld unless and until the U.S. Department of State can certify to Congress that the government of Laos is taking positive steps to assure more effective compliance with human rights and democracy reform principles;
3. Trade and assistance to and with the government of Vietnam, including military training and assistance, should be made contingent on that government's withdrawal of its military forces from Laos, and the ending of its military occupation of territories in Laos; including areas of the Ho Chi Minh Trail; and,
4. Working together with the U.S. Department of State through its annual Country Reports on Human Rights, the U.S. Congress should take action to bring broader public and international attention and condemnation to the major human rights and democracy reform abuses taking place in Laos, through Congressional hearings and resolutions focused on these issues, and by pressing for integration of human rights concerns into U.S. foreign policy and diplomatic efforts on a more effective basis.
5. Re-enforcing U.S. and International Conventions on illegal imported wood goods;
6. Urging the Lao government to immediately release all prisoners of conscience.

Thank you for providing me with this opportunity to raise these important issues with the United States Congress in support of the Laotian people. We trust that members of Congress and of the Executive Branch will take these concerns more closely into account as they deal with trade arrangements taking place under the TPP, and with other political and economic matters involving Southeast Asia.