

LAOS IN 2019

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Laos



LAOS IN 2019: Moving Heaven and Earth on the Mekong

Geoffrey C. Gunn

While the year saw some venting of concern at official corruption in the National Assembly, remarkable in itself, it is rent-seeking activities that define the Lao People's Democratic Republic (Lao PDR) party-state. A market economy operating under a Leninist system, events in 2019 did not detract from the general trajectory of a state hell-bent on prioritizing major projects such as hydro-electricity generating dams and the Chinese-built railroad, moving heaven and earth on the Mekong River, whatever the social and ecological consequences locally or downstream. But the practice of issuing licences and concessions for casinos and/or agribusiness ventures also creates market distortions. Drought, disease and human dislocation stemming from mega projects or disasters (as with the 2018 dam collapse in Attapeu Province), land alienation and compensation issues all came to national and/or international attention during the year. Various serious human rights cases, including disappearances, suggest the longevity of the Lao PDR authoritarian developmental model, one that brooks no domestic challenge or even external scrutiny.

Governance

Typically, draft laws and amendments to laws are discussed at monthly sessions of the nation's National Assembly, which is invariably chaired by the prime minister. Notably, at the 7th Ordinary Session of the Assembly's 8th legislature held in Vientiane on 23–24 July in the presence of National Assembly president Mrs Pany Yathortou, Lao PDR president Bounnhang Vorachit, and other party

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and government leaders, Prime Minister Thongloun Sisoulith called for the sectors responsible to shoulder more responsibility in finding solutions to six pressing issues that were seen as affecting socio-economic development. The first major issue was an outbreak of dengue fever, which had claimed 37 lives and saw at least 16,690 people falling sick. The second topic was an epidemic of African swine fever. Third on the list was the infestation of sweetcorn crops by a plague of caterpillars in Xayaboury Province, which had destroyed 30 per cent of 35,000 hectares of the crop. The fourth issue concerned persistent drought, which resulted in low river levels and affected rice and other crops. The fifth matter of concern was the fluctuating exchange rate, the falling value of the national currency, the kip, and the depletion of foreign-exchange reserves, seen as driving up commodity import prices and hindering economic growth. The sixth issue related to posts on social media by members of the public commenting negatively on state administration and management. Other issues debated included the development and management of special and specific economic zones, a draft decree on the policy for economic development in Xaysomboun Province, and a draft decree relating to climate change.¹

At the 8th Ordinary Session of the National Assembly running from 7 November until 6 December, Assembly president Pany Yathotou highlighted the progress made in the 8th five-year National Socio-economic Development Plan for 2016–20, and the challenges posed by the global economy, the trade war, natural disasters and climate change. Assembly members approved the appointment of Deputy Prime Minister Sonexay Siphandone to a second post as minister of planning and investment, following the retirement of Souphanh Keomixay. Also approved was the appointment of Kikeo Khaykhamphithoune as incoming minister of information, culture and tourism following the retirement of Bosengkham Vongdara. In his address, Prime Minister Thongloun maintained that the key focus of the government the following year would be to maintain political stability, security and social order (a set of priorities not inconsistent with a party-state under siege, even if the threat is only from its own people). On his part, Sonexay delivered a report on the implementation of the socio-economic development plan, the state budget and fiscal plan, while also alluding to “macroeconomic difficulties” for the year ahead and to the impact of recent floods. According to schedule, Assembly members then prepared to debate a draft of a Law on Cinema and the draft Law on Gender Equality. Draft amendments to six laws already promulgated were scheduled to be debated. These comprised the Laws on Bankruptcy, Hygiene, Disease Prevention, Health Promotion, Laws on Insurance and Securities, a Law on Sports and Gymnastics, and a Law on Investment Promotion.²

Economy

Citing a report presented at the 7th Ordinary Session of the National Assembly's 8th legislature on 5 June, Prime Minister Thongloun pointed out difficulties and shortcomings facing the economy. In particular he noted that although the national economy grew at a rapid rate of 6.5 per cent over the past four months, it was slower than the rate recorded in recent years, blaming a lower contribution of energy, mining and agriculture owing to natural disasters. Revenue collection in the first four months reached 6.32 trillion kip, representing 24 per cent of the target set for fiscal year 2019, with a revenue deficit of 347 billion kip. Though the service sector enjoyed a growth in the first four months, the tourism sector experienced a slight decrease of 0.5 per cent compared to the same period in the previous year.³ Moreover, because of drought and severely reduced water levels in the Mekong River region, along with the delay of seasonal monsoon rains, Lao farmers had planted rice on less than half the country's cultivable land in 2019, or just 40 per cent of the country's 850,000 cultivable hectares.⁴ Not only was the dry season longer than usual but also the area of wet season rice affected by natural disasters was almost 172,000 hectares. This led to rising prices for rice and to shortages.⁵

According to a World Bank *Lao Economic Monitor* released on 12 August, the economic growth of Laos was expected to rebound to 6.5 per cent in 2019, higher than the figure of 6.3 per cent recorded in 2018. The report noted that economic growth was supported by a resilient service sector led by wholesale and retail growth associated with robust construction driven by strong investment inflows to large construction projects, including the Laos–China railway and an associated service sector. It commented that the Lao PDR government remained committed to fiscal consolidation to contain public debt in the medium term by tightening public spending and improving revenue administration. If carried through, this could result in a decline in the fiscal deficit from 4.4 per cent of GDP in 2018 to 4.3 per cent in 2019. The report also noted that the government had suspended public projects with low economic returns and that it had “instituted a moratorium on all new hydropower projects”⁶ (although, as mentioned below, this decision was reversed within the year).

The World Bank country manager for Laos, Nicola Pontara, made it known that although economic growth had rebounded after declining in 2018, partly as a result of floods, the country was still at high risk of debt distress unless measures were undertaken to deal with the situation, such as strengthening revenue collection and improving the business environment to support private sector development,

including the growth of small-and medium-sized enterprises. He advised that these measures could contribute to maintaining a stable macroeconomic environment, in promoting job creation and in reducing poverty and inequality. As Somneuk Davading, Lao senior economist at the World Bank Lao Office elaborated, its economic growth placed the nation among the top five fastest growing economies in the region. Nevertheless, he advised that the government should continue its reform measures and to further improve the investment climate in order to attract more capital. The depreciation of the kip against the US dollar and Thai baht was another concern for Laos impacting on debt serviceability.⁷

As revealed in July 2019 by the minister of finance Somdy Duangdy, the government will sell its stake in loss-making state enterprises and turn them into joint ventures, or will even sell the whole company if necessary, with Lao Airlines and *Électricité du Laos* among them. Reportedly, some National Assembly members had previously questioned the executive structure of state enterprises, noting that key personnel remained in place despite their poor performance resulting in consistent losses. According to the State-Owned Enterprise Development and Insurance Department under the Ministry of Finance, the reform of state enterprises will focus on three main areas—business, finance and personnel.⁸ While ostensibly a good move, not mentioned here is the practice of issuing licences, some dubiously, for the construction of casinos in so-called special economic zones, of which there are fourteen, and with local residents sidelined. A case in point is the one awarded to Chinese businessman and former wildlife trader Zhao Wei, whose casino was built by some forty thousand illegal Myanmar migrant workers and which can be seen across the Mekong River from Chiang Saen, Chiang Rai Province, Thailand.⁹ Another case, involving land seized by the government with inadequate compensation, is the Savan-Seno special economic zone located on the “East-West Economic Corridor” notionally linking south-central Laos to Danang in Vietnam, which also hosts a casino resort run by a company called Macau Legend Development.¹⁰

Journalist David Hutt has drawn attention to the government’s reliance on energy and infrastructure at the expense of other parts of the economy. He is of the opinion that the government has put all its eggs in one basket. Notably, Laos lacks a real export sector in comparison to its neighbours. Whereas medium-sized enterprises make up two-fifths of GDP in Thailand, they comprise just a fifth of GDP in Laos. Tourism is growing but it has its limits as well. The risk of Laos falling into a “debt trap” laid by China has been well canvassed but, as Hutt points out, “it is the Lao government that has saddled the country with debt through its own bet on megaprojects that could turn into white elephants”.¹¹

Corruption

Since coming to power in 2016, Prime Minister Thongloun gave the impression that he would break with the past and move to end official corruption.¹² Nevertheless, weak laws and lack of enforcement by authorities have clearly stymied Thongloun's drive, revealing the depth of the problem. Remarkably, given the top-down character of the party-state, on 14 June members of the National Assembly openly criticized corruption in the country's judiciary and political system. Among those speaking out were an assemblyman from Xaysomboun Province, one from Champassak Province, and another from Houaphanh, who was quoted as saying "Punishments for government workers who break the law are also ineffective. In fact, they are not strict at all."¹³ According to Radio Free Asia, the government disciplined more than two hundred officials involved in taking bribes or embezzling state funds during this period, albeit with only a few of them being held criminally accountable for their actions.¹⁴ Hutt is undoubtedly correct in asserting that "The nature of corruption is tied to the operation of the one-party political system in Laos. Following from that, it is unlikely to be solvable in its entirety unless we see some sort of political change accompanying it as well." To be sure, he estimates, nothing is likely to happen soon without less control by the party over the courts and media, a greater role for civil society, and more control over the economy by the private sector than by the state sector. Neither, he points out, do we actually hear from the United Nations, the World Bank or the International Monetary Fund how Laos is to achieve rule of law or solve its corruption problem.¹⁵

Moving Heaven and Earth on the Mekong— The China-built Railroad and other Projects

The most ambitious project under way in Laos and the one that challenges basic economics is the China–Laos railroad. Part of China's Belt and Road Initiative, its planned 250-plus miles of track are meant to connect China's southern Yunnan Province with the capital of Laos, Vientiane. The project includes the 1,458.9-metre Luang Prabang cross-Mekong bridge built by China Railway No. 8 Engineering Group, with the first bridge span completed in May. As the Lao PDR deputy prime minister Sonexay Siphandone announced in September, nearly 80 per cent of the construction of the railway has been completed, and it is expected to be fully operational in 2021. According to Sonexay, from 1988 until the end of June this year, China had invested a total of US\$12.5 billion in 782 projects in Laos, mostly to do with infrastructure, making it the biggest investor in the country.¹⁶

While touted as a win-win infrastructure project by Lao PDR officials, not all observers agree. According to Brian Eyler, Southeast Asia programme director at the Stimson Center in Washington, DC, the rail link is not necessarily intended to link China to the rest of the world but rather serves “to create channels to bring natural resources and commercial inputs back to China so that China’s economy can keep growing”. Few local jobs have been generated. Neither had there been much consultation with locals. Residents have told journalists that thousands were ordered off their land to make way for the railway and they are not being compensated as promised. Neither is the promise of more tourists coming to Luang Prabang necessarily appealing, especially as tourist arrivals, predominately Chinese, stay in Chinese-owned hotels. Conservationists also add their concerns as to the habitat fragmentation effect of big infrastructure projects impacting the natural world.¹⁷ According to freelance writer Skylar Lindsay, with the government requisitioning 3,832 hectares of land for the project, those local residents affected were left with little means of supporting themselves. Out of 4,411 families negatively affected by the project, only about 230 of them have been compensated.¹⁸ The United Nations special rapporteur on extreme poverty and human rights, Philip Alston, in summing up following his visit to Laos in March 2019, gave what might be seen as a veiled indictment of the regime: “The Government’s single-minded focus on large infrastructure projects (such as dams and railways), land acquisition, resource extraction, and foreign investment has created all too few jobs for Lao people, generated very large debt repayment obligations, and disproportionately benefited wealthy elites. Those living in poverty, ethnic minorities, and people in rural areas have seen very few of the benefits of the economic boom.”¹⁹

Borrowing and Debt

As echoed by Lindsay, debt continues to siphon economic gains away from Laos. Built by the Laos China Railway Company—a joint venture in which China owns a 70 per cent stake and Laos owns 30 per cent—the total project cost is US\$6 billion, over a third of the country’s US\$17 billion GDP. Laos has agreed to pay US\$720 million within the next five years, but to fulfil that promise it will borrow US\$470 million from the Export Import Bank of China at a rate of interest of 2.3 per cent. Laos has yet to figure out how it will fund its remaining US\$1.1 billion share of the project. The Lao government may be planning to raise the capital through land concessions. In 2018 the Lao PDR’s public debt was 65 per cent of its GDP, and the government is already struggling to generate revenue: taxes account for only 12 per cent of GDP, and the country’s copper and silver mines may be nearing exhaustion.²⁰

For his part, Prime Minister Thongloun claims that Laos borrows from China and other countries only for projects that are both necessary and economically viable. Speaking to *Nikkei Asian Review* in a rare press interview in Tokyo in May, he pushed back against international warnings about his government's debt to Asia's emerging superpower. "If we don't borrow", he declared, "Laos, as a least-developed country, won't develop further." In regard to the railroad, he asserted that the government has "its own measures to manage the debt and ensure balance in the public debt sector". Moreover, he insisted, Laos sticks to "high-efficiency projects which are long-term, with low interest rates." Defensively, he continued, "The observers who have concern for Laos in terms of debt repayment ... may not have enough or sufficient information on how the government assesses those projects", adding that China's Belt and Road Initiative (BRI) was a valuable new mechanism for international cooperation. Through cooperation, Thongloun said, countries will be able to "overcome complex situations" and "handle the challenges" they now face.²¹

As journalist John Pennington has pointed out, the level of borrowing is indeed alarming, and China is both the Lao PDR's leading investor and provider of significant aid assistance. The country's gross debt is forecast to rise to more than 70 per cent of its GDP. The World Bank recommends that governments aim for less than 40 per cent; the International Monetary Fund (IMF) suggests 50 per cent. Furthermore, in 2017 the IMF raised its perception of the Lao PDR's debt distress from medium to high as a result of its borrowing from China. In 2018 the Center for Global Development, a non-profit organization based in both London and Washington, ranked Laos as one of the eight most vulnerable countries participating in the BRI. And in addition to the China-built railroad, Laos has reportedly borrowed US\$600 million for a hydropower project. There are thus concerns about just how much money is flowing out of the country to Beijing. The mounting debt to China leaves Vientiane heavily reliant on Beijing and raises the question—one which Prime Minister Thongloun has studiously avoided—of what happens if Laos falls short on its payments?²²

The Attapeu Dam Disaster

On 23 July 2018, Laos experienced the worst dam disaster in its history when, following heavy rains, an auxiliary dam at Xe Pian Xe Namnoy in Attapeu Province collapsed inundating twelve villages, killing at least forty people and leaving many more missing (a disaster that also saw the rare entry into Laos of international relief teams). Each survivor is entitled to a government dispensation of US\$12 per month for food and other living expenses. Nevertheless, some victims had not

received any material support or, if they did, it was long delayed. Speaking in June, Attapeu provincial governor Leth Xayaphone complained that the province was “having a problem with the funding. We are not able to payout [allowances] right now. But the provincial government is trying to get more funding from the [central] government and other sources.”²³ In the words of Philip Alston, who visited the three temporary camps for survivors, “Regarding Attapeu, a senior official of the Ministry of Energy and Mines described the elaborate and very positive conditions which would govern resettlement and ensure enhanced livelihood opportunities. On the ground, I saw and heard nothing that remotely resembled that description.” This experience, among others, led him to conclude, “Both in relation to the situation in Attapeu, but also more generally in the Government’s overall approach, one thing stands out. It is the stark contrast between the theory and the reality.”²⁴ According to a senior spokesperson of the National Investigation Committee formed by the Lao government to conduct an inquiry into the cause of the disaster, even if rainfall was quite heavy on the days leading to the tragedy, the reservoir was still below its maximum operating level and well below the crest level when the failure began. “Thus, the failure incident cannot be considered as ‘force majeure’” or an unforeseeable act of god.²⁵ With compensation and insurance claims for the victims in the balance, the implication of the ruling for the South Korean builder of the hydropower project could be significant if it means that construction problems were the primary cause of the dam collapse.

New Mainstream Mekong Dam in Luang Prabang

In September the government of Laos officially informed the intergovernmental Mekong River Commission of its plan to build a new dam in Luang Prabang. This was despite warnings about the environmental effects of the project (and despite an earlier government assertion of a moratorium on further dam building). A state-owned Vietnamese company, PetroVietnam Power Corp, holds the largest share in the project.²⁶ Also involved is Chart Karnchang Thai, the Thai company behind the construction of the Xayaburi Dam further downstream. According to a Radio Free Asia report, if the dam goes ahead it would be the fifth Laos is planning on the mainstream of the Mekong and potentially the largest so far among nine slated for development.²⁷ With the Xayaburi Dam entering service in 2019, photographs reveal more sandbars than water in the Mekong, suggesting major ecological change upstream, as critics had long warned.

Human Rights

Various serious human rights cases received international attention in 2019, including the detention of a man who refused to cede ownership of inherited land and the arrest of a woman for online criticism of the government's handling of a flooding disaster in the south of the country. As Philip Alston noted, "A series of high-profile arrests and disappearances have contributed to a climate of fear that forecloses much-needed discussion."²⁸ One, albeit symbolic, case involves a Lao villager, Sy Phong, detained since 2011 over a land protest and who died in jail.²⁹ With the discovery in the Mekong River in 2018 of the concrete-stuffed bodies of two Thai activists who had disappeared from Laos still a recent memory, members of the exiled Thai protest band Faiyen also looked to their safety. Reuters, which has investigated this and other "missing" cases, claims that both Lao *and* Thai officials are in denial about the allegations.³⁰ In August, after five years of hiding in Laos, Faiyen arrived in France to perform its first street performance since escaping Thailand. Pro-democracy activists are not able to find sanctuary across the border either. This was demonstrated with the case of Od Sayavong, a prominent pro-democracy activist from Laos who went missing from his Bangkok home on 26 August and with no progress in the Thai police investigation of his disappearance.³¹ On 12 November the Lao authorities arrested eight activists who are part of a loose network of an unregistered pro-democracy group called Lao National Unity, which reportedly planned to stage a protest in Vientiane calling for free speech and condemning land grabs and dam projects—which would have been an extremely rare case of demonstrating opposition to the government. Six of the eight have subsequently been released but the fate of the two others remains a matter of concern.³²

On the positive side, according to Alston, the government has taken some steps to engage with international human rights mechanisms, such as by inviting Special Rapporteurs to the country after years of not receiving any such visits. Likewise, the National Assembly appears to have taken a more robust approach to its auditing role. Nevertheless, Alston found "a near-total lack of space for freedom of expression, strict limitations on media and civil society, and a history of reprisals, arrests, and disappearances [which] have shut down space for the exchange of ideas and solutions, and [which] prevent people from raising grievances and seeking accountability". Indeed, he claims to have experienced this restrictive approach first-hand, "when it strongly resisted [his] requests to move freely within the country so [he] could visit Attapeu".³³

International Relations

There is a strong sense that since its admittance to ASEAN in 1997 the Lao PDR has ritually played off its membership to its advantage by gaining regional legitimacy on the one hand yet being shielded against interference in its internal affairs on the other. Nowhere else is this better demonstrated than in its relationship with close neighbour Thailand where, as commented on above, the newly elected military-dominated regime is not above hunting down critics of the Lao PDR, just as domestic critics of the Bangkok regime find no space in Laos. But when it comes to issues of security, close socialist allies in the party-state's victory over the Kingdom of Laos in 1975—China and Vietnam—are placed on a pedestal, whether for the legacy of revolutionary solidarity and past sacrifices or as investors and partners in development. While, as already discussed, the China-built railroad and economic impacts appear to dominate discussions about the Lao PDR's current international relations, we should not neglect the particular way Laos triangulates among its traditional socialist allies, with China on one side and Vietnam on the other. On various occasions throughout 2019, leaders of Laos and Vietnam came together to reiterate long-standing bonds of solidarity.

For example, on 23 May Lao party general secretary and president Bounnhang Vorachith and National Assembly chairwoman Pany Yathotou hosted a reception for Truong Thi Mai, head of the Communist Party of Vietnam's Central Committee's Commission for Mass Mobilisation, affirming their "great friendship and special solidarity".³⁴ Speaking in Vientiane on 24 and 25 June, Vietnamese deputy prime minister Trinh Dinh Dung and his Lao counterpart Sonexay Siphandone promised to continue promoting bilateral cooperation in security, defence and trade, including agreements relating to their shared border, agreements on justice and cooperation on education, and in developing human resources. As noted, Vietnam remains the third-largest investor in Laos, with 410 projects worth US\$4.22 billion. Notably, the two sides signed off on a power purchase agreement between Vietnam Electricity and Phongsavath Group of Laos (linked to the Namxam 3 Power dam). Vietnam also pledged to build the new National Assembly House of Laos.³⁵ In mid-year the defence aspect of relations between the two countries was in the headlines again with what was officially termed the first-ever Vietnam-Laos defence policy exchange. Held in Vientiane on 25 July, the "exchange" was co-chaired between Lao deputy defence minister Onsi Sensuk and his visiting Vietnamese counterpart Nguyen Chi Vinh.³⁶

While the Russian Federation hardly rivals the influence once asserted in the Lao PDR by its Soviet forerunner, still the visit to Moscow in July by Lao

PDR minister of planning and investment Souphanh Keomixay led to the signing of cooperation agreements in digital development, a treaty on legal assistance in criminal matters, cooperation in the use of nuclear energy for peaceful purposes, and cooperation in geological exploration and subsoil development.³⁷ Neither are such other fraternal allies as North Korea and Cuba neglected, with exchanges and remembrances ritually celebrated. In March, top North Korean diplomat Ri Su Yong led a delegation of the Workers' Party of Korea to Laos, part of a regular exchange between the two states.³⁸ Between 8 and 9 September, a high-ranking Cuban trade delegation visited Vientiane.³⁹ On 11 November, the foreign ministers of Cuba and Laos, Bruno Rodriguez and Saleumxay Kommasith, respectively, met in Havana, ostensibly to strengthen bilateral relations on the occasion of the 45th anniversary of their establishment.

Notwithstanding a de-escalation of tensions across the partly demarcated 540-kilometre land border between Laos and Cambodia, misunderstandings and low-level tensions continued to simmer in 2019. As Cambodian prime minister Hun Sen made it known in September, following a telephone conversation with his Lao PDR counterpart, both sides had agreed to withdraw troops from the undemarcated area and would continue bilateral negotiations. In the meantime, representatives from the defence committees of the legislatures of Cambodia, Laos and Vietnam (CLV) entered into discussions in August on not only security issues but also on what they term a CLV Growth Triangle.⁴⁰ Even so, there has been little to show given the basic lack of infrastructure, the boundary issues, and the recent history.

Conclusion

As exemplified by the mid-year session of the National Assembly bringing together ruling communist party and government officials, along with the familiar cycle of visits and exchanges with fraternal parties and governments, the Lao PDR ritually resorts to foundational narratives around suffering and sacrifice to shore up its historical legitimacy. Such appeals are not unique to socialist states—and Laos is but one of three countries in the world where the hammer and sickle emblazons national emblems, just as it continues to invoke the thirty-year, mostly military, struggle against the royalist government, the ruling families and cliques in the Mekong River towns and their Western backers as a legitimizing device (and nowhere else is this bitter memory of American bombing better invoked than by the grim statistics yielded by yearly fatalities produced by unexploded ordinance). As a market economy operating under a Leninist system, major projects such as

the hydro-electricity generating dams and the Chinese-built railroad, along with the practice of issuing licences and concessions for casinos and/or agribusiness ventures, create market distortions. While the year saw some venting of concern at official corruption, it is but an epiphenomenon of rent-seeking activities that define the party-state. Neither has the ruling party taken steps to reinvent itself with respect to popular grievances—of which there are many. No Zhao Ziyang has emerged in the Lao PDR; and Laos has yet to have its Tiananmen, or even its Hong Kong, moment. Hell-bent on development in the form of big infrastructure—indeed seeking to move heaven and earth on the Mekong—neither is the regime noted for listening to public, much less international, opinion. Drought, disease and human dislocation stemming from mega projects or disasters are not new in Laos, but one senses that more inclusion in governance would lead to better management practices with respect to land alienation and compensation issues, as indeed would transparency as the spectre of public debt ratchets up.

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