Laos
LAOS IN 2013
International Controversies, Economic Concerns and the Post-Socialist Rhetoric of Rule

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In 2013, after several years of basking in the glow of strong economic growth and prominent international events, the ruling Lao People’s Revolutionary Party (LPRP) faced an International Monetary Fund (IMF)-prescribed “overheating economy” and a number of international controversies. Under the glare of uncharacteristic scrutiny, the regime was unable or unwilling to explain how a prominent community leader could disappear in the company of police. Then, in order to circumvent regulatory processes, it insisted that a planned hydroelectric project damming part of the Mekong River was not a “mainstream” dam (i.e. on the main stem of the river). In some ways, these responses recalled an earlier period of LPRP rule when the regime would routinely deny, obfuscate and stonewall in the face of external criticism. But as the leaders’ more sophisticated response to its budgetary woes indicated, Laos has changed profoundly in the past two decades, including in the ways the LPRP utilizes language, rhetoric and other forms of communication in reinforcing state power. In surveying the events of the past year in Laos, this article considers the rhetoric of rule in contemporary post-socialist Laos.

Political language and rhetoric are critical in any political setting but play an especially important role in revolutionary regimes, which use language to produce new cosmologies of rule, and in one-party systems, where in the absence of open

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democratic elections, state rhetoric plays a key role in mobilizing legitimacy.¹ In Laos, although the most turgid expressions of revolutionary socialist rhetoric have long been forgotten, many of its keywords — solidarity, progress, discipline, patience, consensus and so on — continue to structure state pronouncements, political actions and public grievances.² These have been coupled with the pervasive rhetoric of international development, with its alluring argot of projects, growth, sustainability and good governance, together with promissory slogans like those that guide state development policies around the world. None is more ubiquitous in Laos than “graduating from least developed country status by 2020”. Although this hybrid language has emerged over a period of two decades or more, the Lao government has become more adroit at deploying it. While state- and donor-funded projects disseminate much of the hegemonic rhetoric, keystones of the socialist era such as meetings and mobilization campaigns remain crucial tools of propagation. Despite the pervasively political nature of this rhetoric, it continues to depoliticize public political space by defining acceptable limits of discourse.

The Sombath Somphone Case

While one-party Laos has largely escaped the negative international scrutiny meted out to its larger authoritarian neighbours, notably Myanmar, the country’s image took a battering throughout much of 2013. The first and most apparent cause was the government’s failure to satisfactorily investigate the disappearance of Sombath Somphone, a prominent development worker and community leader last seen on 15 December 2012 at a police box on a busy road in Vientiane.³ Thanks to Closed Circuit Television (CCTV) footage, bootlegged by his family and shared around the world via YouTube, the known details of Sombath’s alleged abduction were widely reported in late 2012.⁴ More than a year later, little of certainty can be added to these details and the man’s fate remains unknown.⁵ Yet Sombath’s disappearance was just the beginning of a sorry saga that has drawn uncustomary attention to the Lao regime.

In a series of statements between December 2012 and June 2013, officials struggled between the need to address the matter, given its rapid international exposure, and the difficulty of explaining how a community leader could disappear from police company on a busy road at rush hour. Faced with this dilemma, authorities floated a baseless theory that he may have been kidnapped due to a personal or business dispute. In subsequent updates, a police spokesman suggested Sombath could not be identified among those entering the alleged abductors’ car as seen on the CCTV footage, or that those who entered the car did so by
their own free will, neither of which addressed the smoking gun — that he disappeared in the company of police.\textsuperscript{6} Always stressing concern for Sombath’s safety, statements trumpeted the government’s commitment to human rights and the rule of law, alluded to meddlesome foreign coverage of Laos in the past, and repeated theories of “bad elements” being involved.\textsuperscript{7} Unable or unwilling to shed any serious light on the case, authorities referenced past cases of disappearance, as if this made Sombath’s case unremarkable, and drew attention to peripheral details of the investigation such as having lodged it with Interpol and its regional counterpart, ASEANPOL.\textsuperscript{8}

The widespread suspicion was that answers lay closer to home with elements of the Lao security services. This suspicion was triggered by speculation that Sombath’s disappearance may have been connected to his involvement with October 2012’s Asia-Europe People’s Forum (AEPF), an international civil society summit that had enjoyed official backing but ended in controversy and recriminations against some participants.\textsuperscript{9} But it hardened with the woeful investigation, especially when authorities declined international offers of technical assistance to examine the original CCTV footage for number plates of the vehicles and other relevant details. In July, exasperated at the “lack of seriousness” with which authorities had treated the investigation, Sombath’s Singaporean wife Ng Shui Meng, a long-time development worker in Laos and elsewhere, submitted an official report of her husband’s disappearance to the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID).\textsuperscript{10} Besides a brief denial in January, authorities did not address the possibility of complicity by security services until December, when UN Human Rights reported UNWGEID intelligence that Sombath and his car had been sighted after his disappearance at a police detention centre before being moved to a military camp outside Vientiane.\textsuperscript{11}

In denying the charge, the Lao permanent representative to the UN Office in Geneva Thongphane Savanphet, deadpanned that police headquarters had been contacted nationwide, but none had “found the missing person”.\textsuperscript{12}

An unprecedented parade of foreign governments, human rights bodies and media organizations lined up to criticize the government for an investigation that appeared inept or, more likely, disingenuous. These included successive US Secretaries of State, Hillary Clinton and John Kerry, parliamentary delegations from members of the EU and ASEAN, and influential international organizations like UN Human Rights and Amnesty International. While much of the interest emanated from Sombath’s popularity and profile, not to mention the evocative video footage, his disappearance appeared to tap a vein of frustration among international critics of authoritarian rule and human rights abuses in
Laos, particularly at a time when extractive resource development and land acquisitions were attracting increased condemnation. Such attention prompted Shui Meng to caution against idolizing Sombath, who had always cooperated closely with the government, lest it endangered him further.

For those familiar with Laos and its history since 1975, the government’s response came as less of a surprise. Although the profile of the Sombath case and the weight of counter-evidence were unusually great this time, straight-faced denials and obfuscation while waiting for external interest to dissipate is an erstwhile tactic of the regime. References to “bad elements” and biased foreign reporting were also familiar. But to stress only continuity with the past would ignore significant changes in how the Lao government dealt with this particular case. Realizing that silence was not an option, the Ministry of Foreign Affairs provided a relative abundance of information, including four official statements in the first few months after Sombath disappeared and others since then. Beneath the dubious interpretations contained therein, the statements referred to Laos’ ratification of international human rights conventions and the government’s commitment to the “rule of law”. Ubiquitous in Laos today, this phrase is associated with the Legal Sector Master Plan (LSMP) of September 2009, which “lays out a framework for the country’s first broad-ranging legal reform to achieve its ultimate goal of establishing a rule of law state by 2020”. Perversely — and perhaps strategically — the government thus turned the awkward dissemination of the video into an example of recently discovered values of justice and transparency.

If anything, the government’s enthusiasm for the rule of law highlights its chronic absence throughout the history of the Lao People’s Democratic Republic (LPDR) — a situation that persists up to the present day. The future is a kinder judge, however, and the LSMP’s objective of making Laos a “rule of law state” (lat haeng kotmai) has emerged at the centre of a powerful rhetoric of “authoritarian legality”, similar to that observed in Myanmar and other authoritarian regimes. As in previous years, this public stance included on-going efforts to address public concerns over corruption: charges and “executive punishments” (demotion and dismissal) for provincial officials involved in embezzlement; a strengthened assets register for party and government leaders; and on-going calls — from the government as well as the National Assembly (NA) — for better auditing of public expenditure. The party imprimatur also permits demands for more substantive reforms. “We cannot just use ‘anti-corruption’ as a word or phrase in the law”, argued NA deputy Meksavanh Phomphithak late in 2012, “we need to create a mechanism to enforce it”.
If such mechanisms and even a just court system remain distant prospects in Laos, this rhetorical pattern helps explain how officials framed their response to Sombath’s disappearance as open and transparent.

On the ground, the insidious aftermath of the Sombath case illustrated just how far the rule of law remains from reality. Non-profit associations (NPAs), as local civil society organizations (CSOs) are known, have only been permitted in Laos since the 2009 Decree on Associations. Despite the constitutions’ theoretical provision of freedom of association, not-for-profit organizations of virtually any kind had previously been required to exist under the party-state structure.\(^\text{18}\) Given this legacy and an onerous registration process, progress had been slow: in late 2012, the Lao NPA Network listed fifty-three registered CSOs, with a similar number of non-registered organizations thought to exist.\(^\text{19}\) Still, the registration of nominally independent organizations had constituted a promising step forward in Laos.

Coming in the wake of AEPF, where officials had harassed Lao CSO representatives for raising the issue of inadequate land compensation, and the expulsion of Swiss NGO director Anne-Sophie Gindroz, one of Sombath’s AEPF co-organizers, the latter’s disappearance had a devastating impact on the fledgling CSO sector.\(^\text{20}\) As rumours circulated that others associated with AEPF were fleeing the country, norms of fear, silence and self-censorship reminiscent of a more oppressive past returned. Later in the year, Sombath’s name was said to be unutterable in certain government circles and offices. While this was partly due to cultural values that discourage discussion of uncomfortable topics, it also encapsulated how the formal and informal regulation of speech continues to serve state power in Laos.\(^\text{21}\)

**Word Games on the Mekong**

Towards the end of 2013, a second major controversy damaged Laos’ image on the international stage. This time it was the government’s formal notification of fellow Mekong River Commission (MRC) members, Cambodia, Thailand and Vietnam, that it would proceed with construction of the Don Sahong hydropower project (DSHPP) in the far south of the country, just two kilometres from the Cambodian border.\(^\text{22}\) The proposed development will dam the Sahong channel, one of many braided streams that form Siphandone (the Four Thousand Islands), as the Mekong River tumbles over the Great Fault Line to form the Khone falls. According to fisheries experts, this channel’s greater depth and gentler gradient is uniquely suited to migrating fish species during the dry
season. Though recognizing this importance of the channel, the Lao government and the Malaysian project developers, Mega First Corporation Berhad, insist that mitigation measures, including modification of alternative migration routes along adjacent channels, will actually improve fish migration by overcoming problems associated with overfishing. By contrast, the experts anticipate that the relatively small 240-megawatt (MW) dam will cause colossal reductions in fish stocks upstream and downstream, with dire consequences for nutrition among poor communities who depend on fish as their primary source of protein.

The government courted additional controversy by “notifying” its neighbours of its plans under the MRC’s Procedures for Notification, Prior Consultation and Agreement (PNPCA), rather than submitting them for “prior consultation”. The distinction is based on whether the year-round operational dam is classified as a “mainstream” or “tributary” project: whereas the former would require six months of mandated consultations with MRC members over the design and impact of a dam, the latter requires only notification, so affected countries may prepare for environmental changes. Despite the dam’s location on the main stem of the Mekong river system — and earlier documents referring to the DSHPP as a “mainstream” project — the Lao government lodged its plans for notification on the basis that it was “neither a mainstream or tributary dam” and, temporarily, would use just 15 per cent of mainstream flows. Regional NGOs responded with dismay at what one veteran observer labelled the Lao government’s “casuistry”. In December, officials from the National Mekong Committees of Cambodia, Thailand and Vietnam suggested that the project be submitted for prior consultation, according to the 1995 Mekong Agreement. Though national leaders remained quieter, perhaps due to their own development plans, in January MRC Joint Committee members agreed to send the DSHPP to the ministerial level MRC Council for further discussions.

Key elements of this dispute are familiar from debates a few years ago over the Xayabury dam, a much larger (1240 MW) project under construction 350 kilometres upstream of Vientiane, and the first on the lower reaches of the Mekong mainstream. With both projects, the Lao government has been willing to absorb regional criticism while proceeding, unilaterally, with its development plans in defiance of the spirit — if not the letter — of the Mekong Agreement, which created the MRC to foster transnational cooperation in managing the river. On one level, this pattern is an indictment of the MRC’s limited scope. While not conceived as a decision-making body, the MRC looks weaker and less relevant with every controversy. Yet it also highlights Laos’
increased willingness to assert itself in the face of regional opposition, including from Vietnam, which remains Laos’ closest and most trusted friend.

Although we can only speculate at Lao-Vietnamese inter-party interactions over these disputes, Lao officials justify their position in terms of social justice and sovereignty, drawing from the norms of international relations and development. As Viraphonh Viravong, the energetic, Australian-educated Deputy Minister of Energy and Mines, asserted in December, “The Lao PDR is duty bound, morally and politically, to continue to harness the might of the rivers that flow through the country, to power cities, electrify rural areas and generate the necessary resources to overcome poverty, malnutrition, infant mortality, illiteracy and for the greater good of our people.” It is no coincidence that these development indices remain the most problematic as the Lao government seeks to “graduate from least developed country status by 2020”. Viraphonh has previously made this point more bluntly in asserting, “If Laos wants to escape least developed country status by 2020 this is our only choice.” This argument turns hydropower development into a moral question by redefining industrial development, following the United Nations Development Program (UNDP), as “human development”. Despite local discontent sparked by the DSHPP and other state development projects, and a small coterie of citizens who question this definition and pathway of development, the party-state’s chief raison d’être of “developing the country” continues to hold sway in Laos. Appropriating rather than disputing the language of the government’s opponents, gross simplifications such as Viraphonh’s continue to resonate with much of the population and, it seems, plenty of donors.

**Economic Concerns**

Given this development trajectory, economic worries that emerged late in 2013 came as a far greater concern for the Lao government. Economic growth in Laos has been among the strongest and least volatile in Asia in the past decade, with the economy growing at around 8 per cent annually since the mid-2000s. Whatever the pitfalls of equating economic growth with development, this impressive run has increased wealth, particularly in the national and provincial capitals, and helped to reduce poverty. GDP growth has been driven by ongoing foreign direct investment (FDI) in hydropower (as Viraphonh stresses), mining and plantation agriculture, especially from Laos’ three big neighbours, China, Thailand and Vietnam, with annual FDI building steadily from about US$1 billion in 2008 to over US$2.5 billion in 2013. Against the background
of Vietnamese concern at China’s and Thailand’s influence in Laos, China again overtook its rivals in 2013, but the cumulative totals of the three big investors remain remarkably similar at around US$5 billion. At the same time, however, surging state expenditure, capital availability and local demand led the IMF to warn of an “overheating economy” in 2013.

While existing areas of concern such as inflation and inequality remain problematic, the problems highlighted by the IMF are potentially more serious. These include a surging current account deficit, which almost doubled to 28½ per cent of GDP between 2011 and 2012, and a growing fiscal deficit of 6½ per cent of GDP (including 8½ per cent in the non-mining sector) in FY2012/13. As a result, according to the IMF, the economy faced a vulnerable external position, with international reserves sufficient to cover less than a month of imports, and strained public liquidity, with government deposits capable of covering just one month of current spending in June 2013 (down from over three months in September 2012). The IMF also highlighted excessive credit growth and public debt, and an overvalued currency (the kip). Left unchecked, it argued, these conditions left the Lao economy inadequately protected from adverse external shocks, increasing the prospect of financial crisis.

Major factors in the growing fiscal deficit were significant increases in public sector salaries (of 37 per cent) and living allowances (of 140 per cent, to 760,000 kip, or about US$100). Though long overdue and designed to attract skilled workers tempted by better opportunities elsewhere, increased compensation pushed the public sector wage bill beyond 50 per cent of domestic revenue, higher than for countries similar to Laos. Other factors included high capital expenditure and lower than expected tax receipts, particularly from mining. While investment and GDP growth were booming, they were failing to increase government income, hence threatening financial stability.

In contrast with its obfuscation over the Sombath and DSHHP controversies, the Lao government responded swiftly and decisively to its budgetary woes, if not to the degree the IMF would have liked. Civil servants took the brunt of the pain. In an effort to reduce the current account and fiscal deficits, the government “suspended” the public sector living allowance in October and delayed salary payments to teachers and other state employees. It also issued a moratorium on deals for the private sector to construct public offices in exchange for public land as such deals had a negative impact on the budget’s bottom line.

The government’s response combined the language of fiscal discipline with erstwhile values of preserving social order. According to the Vientiane Times, Prime Minister Thongsing Thammavong “said it was necessary to impose the cuts...
to avoid possible economic crisis and social disorder”. Of the suspended living allowance, he argued that the 140 per cent increase in 2013 had constituted a one-off payment to adjust to cost-of-living increases. “Most countries” were the same, he asserted. Similar logic was behind the decision to halt private sector development of public offices in exchange for state land, “The government lost more than it gained on such projects”, the newspaper reported the PM as saying. As in its defence of hydropower development and promotion of the “rule of law”, the government’s underlying concern with repairing the budget was summed up by the “great importance” it attached to a cherished slogan: “achieving middle income country status by 2020”. More interestingly, the government appropriated the IMF’s own language of economic rectitude in challenging aspects of its advice. In the face of warnings over rapid expansion of credit and debt, the Lao authorities countered that “the debt service ability should be more important in measuring debt sustainability”. Disbursements from bilateral donors — specifically China — would exceed estimates by more than US$300 million or 50 per cent in the period 2013–18, authorities reported, permitting the government to increase public salaries a further 39 per cent in FY2014/15 as previously promised, despite it representing an almost 100 per cent increase on FY2012/13 levels. Likewise, a large portion of external debt was “related to viable large projects in the resource sectors” which would “generate high and stable economic returns upon completion”. The long maturity profile of the loans “would help to mitigate the risks of debt distress” while “new borrowing to implement large-scale infrastructure projects is expected to be made without unduly raising debt sustainability concerns”. Between the lines, the more optimistic assessment of Laos’ debt capacity was almost certainly related to a series of cherished “mega-projects”, defined as major developments costing more than US$50 million. Among these prestige projects, none is bigger or more controversial than a planned 420-kilometre high-speed railway extending from Vientiane to the Chinese border, eventually linking separate networks in China and (planned for) Thailand. Despite Chinese joint-venture partners pulling out of the project due to profitability concerns, the LPRP Politburo agreed to negotiate a loan for the project’s full US$7.2 billion cost with the China Export-Import Bank, more than three-quarters of Laos’ 2012–13 GDP. According to the party leadership, the loan would be collateralized with underground mineral deposits, including potash and bauxite. The Asian Development Bank called the plan “unaffordable” while the World Bank insisted on the need for thorough cost-benefit and debt sustainability analyses. Many other observers, including a number of NA deputies in Laos,
expressed concern at the project’s implications for sovereignty. Even viewed against a history in which Laos has “grown out of engagement with and even dependence on foreign powers”, a loan constituting three quarters of GDP is unprecedented. In the absence of a full cost-benefit analysis, the Lao regime sought to establish the economic bona fides of the project by mobilizing the economic language of those who question it.

Reforming Local Administration

Despite the budgetary woes that followed, the public sector salary increase demonstrated the government’s recognition that, in order to transform economic growth into political capital, it must share the fruits of economic growth across the country. The trouble, as the party-state has long recognized, is that Vientiane’s control over many of the resources driving growth is limited. Despite the parallel national network of LPRP cells and government offices, which ostensibly extends to every village, district and province in the country, the central party-state often holds little sway over district and provincial officials who approve significant amounts of foreign investment unilaterally. Overlooking corruption on their own patch, party leaders blame local and provincial officials for siphoning off the fruits of development. These problems are not new for the central government, but the stakes have mounted with growing waves of foreign investment.

On one level, the increased urgency of strengthening central control over local governance appears to be behind the government’s whole-of-government Sam Sang or “3 Builds” directive, foreshadowed at the 2011 party congress and implemented late the following year. While the official formulation — to build provinces as “strategic units” (houa nouai nyuttasat), districts as “comprehensively strong units” (houa nouai khemkheng hopdan) and villages as “development units” (houa nouai phattana) — reveals little, reports generally refer to the 3 Builds as a “decentralization” or “devolution” initiative. It is more accurate, however, to view the directive as an effort to strengthen state authority, especially central state authority; revealingly, the strategy appears in a section of the 2011 congress resolution on “The State Authority Sector”. Far from concealing this tension between centralization and decentralization, the Politburo resolution addressed it as a “basic concept” of the 3 Builds directive: “centralization must be strong before decentralization of rights and administration can be given to local-level administrations; at the same time, if this decentralization to local level is correctly and appropriately undertaken, in return it will strengthen centralization”.
In order to pursue these objectives, the 3 Builds campaign aims primarily to strengthen links between party resolutions and the programmes and projects of ministries and other state organizations, i.e. between policy and implementation. At the provincial level this goal is reflected less in responsibility for “strategy”, as the first of the 3 Builds suggests, than in ordering provincial administrations to implement central directives faithfully and to observe jurisdictional limits. In particular, provincial authorities are cautioned against venturing into areas of governance over which “provinces have no right to decide, especially with regard to management, extraction and use of natural resources”, and to observe regulations limiting the size and revenue that can be drawn from locally-approved projects and land concessions. This formula is replicated at each descending level, so that district and village officials are similarly ordered to observe jurisdictional limitations.

Though differing only slightly from a previous formulation on local-central relations, the central leadership has committed far greater resources to the 3 Builds campaign. Based on a mid-2012 Prime Ministerial Ordinance, a pilot programme has targeted 105 villages in 51 districts and includes fifteen ministries (most of them). While field research is required to determine what is happening in these jurisdictions under the auspices of the 3 Builds, news reports emphasized training of local cadres. As LPRP secretary-general and state president Choummaly Sayasone stressed in late 2013, “building local or village cadres” was essential for the task of “building developed villages”. To this end, central ministries have been busy sending cadres to designated districts and villages, where they conduct meetings and training. Separately, Vice-President Bounyang Vorachit, who heads the Guiding Committee of the 3 Builds Pilot Project, emphasized the importance of increasing remuneration for local officials, including living allowances axed later in the year.

A second key feature of the 3 Builds campaign is countless meetings of ministries and other state bodies, dutifully reported in the state press. The most prominent of these have been “nationwide meetings” conducted in Vientiane, including one in February and another in December. Bringing together officials from the pilot jurisdictions and ministries across the country, these meetings were presided over by President Choummaly himself, and were duly replicated throughout the central ministries and local areas visited by ministry staff. Reports on these meetings reveal familiar rhetorical norms of self-criticism, rejigged to 3 Builds themes, and the recasting of existing policies such as the Legal Sector Master Plan as 3 Builds initiatives. The theme of the 3 Builds also figured prominently in other high-level forums, such as a stage-managed tour of a “model
development village” by Prime Minister Thongsing Thammavong in early July, and NA President Pany Yathortou’s opening remarks to the assembly a few days later. The number, level and variety of 3 Builds meetings and references demonstrate the vast scope of the so-called pilot campaign. Indeed, despite being limited to a third of the country’s districts, the 3 Builds is effectively an all-of-government campaign covering most areas of administration.

Based on this preliminary overview, the 3 Builds pilot appears to represent both everything and nothing. While covering virtually all areas of administration, the campaign’s main practical impact seems to have been a sharp spike in meetings and training sessions. Superficially, then, it may be tempting to view the directive as another word game — centralization masquerading as decentralization — or, more harshly, as all talk and no action. But while both criticisms may be true, it would be a mistake to dismiss the campaign as unimportant. Viewed in the context of Lao history, the 3 Builds combines features of a classic Marxist-Leninist mobilization campaign with contemporary development goals. Together with the neo-Royalist Buddhist traditionalism that prevails in the cultural sphere, these modes of rule combine to form post-socialist governance in Laos today.59

While mobilization campaigns are today limited to state cadres and their content has changed dramatically over the years, their basic organizational features are familiar: training sessions, meetings, targets, and stock phrases, all grouped together under a single recognizable slogan. Such campaigns operate on a number of levels. As well as creating a platform to pursue the stated goals of the campaign, they help to organize the state and to saturate it and society with rhetoric that explains and justifies state action. Given that the stated aims of mobilization campaigns are rarely achieved or are sufficiently vague that success or failure is unverifiable, this second level is just as important as the first.60 In a restrictive one-party state such as Laos, learning the sanctioned rhetoric is essential for political participation in (or in conjunction with) the party-state, let alone social or political mobility through party membership. On the other hand, criticisms of the campaign or state governance that subvert the hegemonic language remain uncommon and, as indicated by the AEPF controversy and its aftermath, even dangerous. For these reasons, the official meetings that make up such a burdensome part of mobilization campaigns constitute one of the most essential mechanisms through which they operate.

As a result, the content of these meetings provides a strong guide to the extended purposes of mobilization campaigns. On this basis, the 3 Builds campaign would appear to relate not just to restructuring centre-local relations but, perhaps more importantly, mounting a final drive towards key goals of LPRP
leadership: achieving the UNDP’s Millennium Development Goals (MDGs) by 2015 and graduating from LDC status by 2020. While there is nothing new about these goals (both were fixed around 2000), the 3 Builds campaign provides a familiar structure for repackaging them and the rhetoric of rule that is scaffolded around them.

This pattern was exemplified at last December’s nationwide 3 Builds meeting — “Mobilizing the Patriotic Competition Movement and Building Developed Villages; Implementing the 3 Builds” — where Choummaly and Bounnyang gave speeches urging delegates to carry out the “4 Tasks” and “4 Breakthroughs”, which also were announced at the 2011 congress. Behind the socialist-style slogans, these “tasks” and “breakthroughs” encapsulate the hybrid of socialist, neoliberal and human development approaches that is being promoted in Laos. Addressing the 4 Tasks, Choummaly called on delegates to “strive harder in instigating development the correct way”, “strengthen the political system at the village base”, help “the people build villages as development villages”, “expand commercial production”, “carry out research on conditions of business and production” and “lead the people to overcome challenges” impeding realization of the MDGs, notably those relating to education, child mortality and malnutrition. In his speech on the 4 Breakthroughs, Bounnyang criticized bureaucratic processes that were “stifling business production, causing waste and inefficiency resulting in … competitive disadvantage”, and stressed the need to “reduce family poverty” (khwam-thuknyak khopkhua, a Lao gloss on “household poverty”) by “increasing commercial production”. Together with his emphasis on commercialization, Bounnyang invoked earlier concepts such as “building more model families”, a term recalling “model” programmes of the socialist era, and “building developed villages into focal sites [chut sum]”, an established feature of rural development programmes since the 1990s.

As in previous LPRP development initiatives, the policies and rhetoric associated with the 3 Builds directive contain a strong emphasis on peace, social control and security, as well as economic progress. Together with the stated principle of strengthening central control over local areas, the AEPF controversy appears to have made CSOs a special target of greater control in early 2013. In a government-wide meeting of January, former party secretary-general and state president, Khamtay Siphandone, who remains a powerful force in the LPRP, gave a searing speech in which he urged officials to “defend the nation and preserve peace” and to “increase control” over the CSO sector, tasks he implicitly conflated with one another. “Now and in the future”, he explained “enemy forces and groups of bad persons are moving to sabotage and revolutionize our country through peaceful means”. Despite the indirect
phrasing, there could be no doubting that the CSO sector was supposedly host to these malevolent forces. “The other thing”, he continued, extending his condemnation of the CSO sector into familiar territory of moral panic, was “eradicating various social ills, both pressing and emergent, that are striking against the social peace and security and political stability of our country”.

He made these points directly before emphasizing the need to strengthen central leadership through the 3 Builds campaign.

Although the auspices of the “3 Builds” are new, the mobilization campaign contains an amalgam of new and existing prescriptions for national prosperity and security, a template that has been re-conveyed at meetings of ministries, provinces, districts and villages around the country. In this respect, the 3 Builds constitutes an archetypal “temporary slogan”, which packages new and existing ideas around a simple and recognizable mantra. Whether or not the LPRP achieves its cherished goal of graduating from LDC status by 2020, this slogan and the 3 Builds will eventually be jettisoned and replaced by others, just like those that preceded them. Ultimately, it is not achieving the campaign objectives that matters most, but filling and refilling political space with the rhetoric of rule, itself a key mode of governance in post-socialist Laos.

The Hegemonic Effects of the Rhetoric of Rule

What is the impact of state rhetoric when typically it contradicts empirical realities? For many among a population long accustomed to unfulfilled promises, it produces apathy, ironic humour, resignation, cynicism and anger. Yet the effective absence of open political space means these conversations almost always remain private or locally curtailed. At the same time, while state employees are certainly not immune to making jokes of the rhetoric they deal in every day, learning it and disseminating it remains essential for social and political mobility. Demonstrating the “correct way of thinking” has always represented a basic criterion for joining the LPRP, the most important pathway to mobility, and a major mobilization drive like the 3 Builds provides an opportunity to display it. Despite the emergence of nominally independent CSOs, the vast majority of debate continues to be conducted within the regime itself, or according to these rhetorical norms. As revealed by a cursory look through the Directory of CSOs, most organizations work in relatively uncontentious areas such as health and education, reinforcing government priority areas such as the MDGs. As practical realities dictate, the vast majority retain close links to the state, even if they are nominally independent.
There are other CSOs, of course, that engage in areas of work that are more overtly “political”, a realm that generally remains synonymous with and carefully guarded by the party-state. But as the long and troubling aftermath to AEPF in late 2012 attested, even isolated challenges to the norms of political participation remain unacceptable to powerful elements within the regime, placing severe limits on the capacity of the non-state sector to challenge rhetorical norms. Extractive resource development projects and insufficient compensation for acquired land are producing greater numbers of rural protests, but so far these have been of an isolated rather than coordinated nature. Without a functioning civil society sector whose independence is respected as part of Laos being a genuine “rule of law state”, there remains little prospect that the rhetoric of rule and the political limits it implies will be challenged in a meaningful way.

The dynamics affecting the international sector in Laos are different but lead towards a similar conclusion. It is unlikely any single event could attract more international scrutiny of Laos’ appalling human rights record than the Sombath Somphone case did in late 2012 and 2013. Yet, the ritual announcements of donor aid have continued, including a recent top-up of US$3.9 million from the US, EU, UNDP and France for the Legal Sector Master Plan and its goal of instituting a rule of law state in Laos by 2020.64 In this game, Lao leaders uphold their side of the bargain by maintaining the government’s commitment to goals negotiated as part of the annual Round Table Process between the government and donors, such as pursuing “off-track areas of the MDGs” and strengthening the rule of law.65 As long as egregious incidents like Sombath’s enforced disappearance fail to impact upon this bargain, such commitments will continue to operate as mechanisms of governance that reinforce the status quo, rather than as principles guiding better governance.

Notes
2. H. High, “Laos in 2012: In the Name of Democracy”, *Southeast Asian Affairs*, vol. 2013, pp. 135–50; it should be noted that several of these terms had also been common under the Royal Lao Government.

3. Ibid. There has also been extensive online coverage and commentary of Sombath’s disappearance. For links, see <http://sombath.org/>.

4. After being pulled over, apparently for a routine traffic check, Sombath was approached by officers, switched off his headlights, alighted from his Jeep and was led towards the police box. A man then arrived on a motorbike, ran to the police box and drove Sombath’s jeep away. Several minutes later, a pick-up vehicle pulled over and a waiting man climbed in. Though this section of the footage is dark and unclear, another person or two people — presumed to include Sombath — then got into the car, perhaps with one forcing the other, which then drove quickly away. See Amnesty International, *Laos: Caught on Camera: The Enforced Disappearance of Sombath Somphone* (London: Amnesty International Publications, 2013), pp. 11–12; for the video, see “Police Video”, *Sombath Somphone: Help Us Find Our Friend*, available at <http://sombath.org/video/>.

5. There have been many rumours of course. In a recent article, Thai public intellectual Sulak Sivaraksa reported conflicting rumours that his friend and colleague had: (a) been taken by mistake by security forces, who were awaiting an opportune time to release him; and (b) been killed on his first day in captivity. Sulak Sivaraksa, “Sombath Somphone”, *Seeds of Peace* 30, no. 1 (2557 [2014]), available at <http://sombath.org/2014/02/08/sulak-sivaraksa-on-sombath/>.

6. If the first claim was true due to the footage’s lack of clarity, the latter could not be confirmed for the same reason. In fact, Amnesty International later alleged that a pillion passenger on a motorcycle following the pick-up vehicle could be seen firing a shot as they departed the police box, suggesting Sombath was abducted at gunpoint. Amnesty International, *Laos: Caught on Camera*, p. 12.


10. On top of Shui Meng’s tireless efforts to publicize the case, her status as a non-Lao national and her and Sombath’s extensive professional network in the region have been important factors in producing such a strong and sustained response to his disappearance.

11. One exception was a denial in January that “The authority does not detain him.” See “Police Report on the disappearance of Mr Sombath Somphone”, *Vientiane Times*, 4 February 2013.


18. Sombath circumvented this requirement by establishing his Participatory Development Training Centre (PADETC) as a private training institution.

19. Lao NPA Network, “Peum-sangluam-khomun ongkan chattang sangkhom khong Lao” [Directory of Lao Civil Society Organisations], November 2012,


25. Baird, “The Don Sahong Dam”.

26. The MRC press release summarized the relevant sections of the PNPCA as follows: “the notification process … is required for year-round intra-basin water-use projects and inter-basin diversion projects on the Mekong’s tributaries, and for wet-season water use on the mainstream … The Prior Consultation applies to proposed water use projects on the mainstream in the dry season, diversion of water from the mainstream to other basins during the wet season and diversion of surplus water to other basins in the dry season”. MRC, “MRC takes Don Sahong project to ministerial level”, 14 January 2014, available at <http://www.mrcmekong.org/news-and-events/news/mrc-takes-don-sahong-project-discussions-to-ministerial-level/>.


30. MRC, “MRC takes Don Sahong project discussions to ministerial level”. According to Philip Hirsch, downstream countries have generally kept quiet due to their own
national interests, which have trumped transboundary social and environmental issues in determining all four lower Mekong countries’ approach to managing the river. “Laos mutes opposition to controversial Mekong dam”.


32. Hirsch, “Laos mutes opposition to controversial Mekong dam”.


34. “Filmmakers forget the benefits that flow from hydropower”, Vientiane Times, 1 December 2012.


38. IMF, “2013 Article IV Consultation”, p. 3.

39. Inflation is expected to reach 7½ per cent in late 2013–14 while the Gini coefficient widened from 32.6 to 36.7 between 2002 and 2008, the latest available data. Ibid.


41. IMF, “2013 Article IV Consultation”.


47. All figures cited with respect to the project need to be regarded with caution. See Tristan Knowles, “Fiscal folly or essential infrastructure”, New Mandala, 21 May 2013, available at <http://asiapacific.anu.edu.au/newmandala/2013/05/21/fiscal-folly-or-essential-infrastructure/>.

49. Knowles, “Fiscal folly or essential infrastructure”.


53. Lao People’s Revolutionary Party, Central Party Politburo No. 03/CPP, “Resolution on Formulation of Provinces as Strategic Units, Districts as Comprehensively Strong Units and Villages as Development Units”, Vientiane Capital, 15 February 2012, pp. 2–3.

54. Central Party Politburo No. 03/CPP, pp. 4–5.


