

Expulsion of Helvetas Country Director, Lao PDR

Document A:

Letter to Development Partners
Anne-Sophie Gindroz, Helvetas Country Director,
21 November 2012

Document B:

Letter to Executive Director of Helvetas
Ministry of Foreign Affairs,
07 December 2012

Personal Letter to Development Partners in Lao PDR

Date: 21 November, 2012

Subject: Up-coming RTIM 2012

Dear Partners in Development,

We are working in a challenging environment: this is a country governed by a single Party regime, where there is little space for meaningful democratic debate, and when taking advantage of that limited space, repercussions often follow.

Although allowable under the Lao Constitution, real freedom of expression and assembly are not afforded, and those who wish to exercise their constitutional rights and dare to try, often do so at their own peril faced with intimidation, false accusations and increasingly unlawful arrest. The media are censored and, people are forbidden to hold peaceful assembly/demonstration. Even in Burma – this is no longer the case.

As an NGO, not doing what the government expects us to do, exposes our organization to non-renewal of our yearly operational permit, our project to non-approval of required Memorandum of Understanding, and ourselves to non-extension of our visas and work permits. As it stands the 'red tape' limitations imposed on NGOs are in contradiction of fundamental aid effectiveness principles. With one year permits, which do not align with project MoU cycles which in turn do not align with visa/work permit approvals – NGOs are from the outset handicapped in our ability to operate and fulfil our mandate as effective partners in development.

As an NGO, voicing concerns and raising questions which the government does not want to hear means that our organization might not be invited again to the discussion table. Case in point this year's RTIM.

There are serious constraints on freedom of expression. Those raising critical issues are considered as opposing the government. A climate of fear is maintained to ensure self-censorship. The Lao media cannot be the voice of the people, but only channel government's communication. Earlier this year, a radio program was shut down after having given voice to farmers victims of land-grabbing. Farmers and villagers who participated in the AEPF and were brave enough to share their challenges openly, and the NPAs who supported them to participate, are being investigated still to this day.

There are serious constraints on freedom of association. The NPA Decree which has allowed 32 local organizations to register over three years (since 2009), is used against Lao associations (those choosing not to register or using another status are regarded as "illegal"), to control them (registration process is very intrusive, comprehensive police background checks are carried out in home village of NPA members, majority of NPA have been required to change organizational name, objectives, board members), to weaken their position (in particular for those pending a decision on their registration) and to limit their participation (making full registration a pre-condition). Once registered, NPAs do not have freedom of self-selection for representation in meetings, rather MoHA selects, and trend is that NPAs with strong retired government officials are favoured. Case in point this year's RTIM. Only 1 of the 5 NPAs pre-selected by MoHA is in fact non-governmental.

The rule of law is seriously challenged: the law is raised against those trying to use the legal framework to protect their basic rights. Those victims of human rights abuses are the ones investigated. Those seeking justice are too often accused of opposing government/Party policy.

Within civil society, government, the National Assembly, mass-organizations and communities, there are individuals who wish for better, are trying to expand the boundaries of what is possible in this country, and are contributing to positive changes towards more democratic environment.

As civil society actors, we have to make choices: either to continue to do what we are expected to do and say only what pleases the government, or we can show solidarity with those acting and calling for more inclusive dialogue and stronger promotion, respect and protection of basic rights.

Working in democratically deficit context, we as partners in development can either choose as an objective to maintain good relations and comfortable partnerships with governmental partners, or make use of these to achieve other objectives. This might lead into uneasy discussions and uncomfortable relationships. But this might translate into significant contribution in promoting people's participation through a more enabling environment and better guarantees of basic rights.

We all share a responsibility not to compromise with our own values and principles, and we are at least accountable for the decisions we make. It is my hope that as partners in development, we will not by ignoring or underestimating certain realities, side with those violating people's rights or indirectly support the strategy of imposing silence. In Laos, the risk development partners face to do the wrong thing is higher than the risk development partners are taking by trying to do the right thing.

Aid is never neutral. Technical assistance will not solve political problem. Keeping silent is taking sides. There is no equity in development without people's participation. There is no meaningful participation without frank dialogue and inclusive partnership.

For the first time, this year RTIM will take place in the presence of NPAs, but participants from civil society have been carefully selected and are not those that the NPAs had chosen themselves as representatives to speak on their behalf. INGOs are invited but number has been decreasing consistently year by year. Is it a coincidence that the organizations most involved in advocacy who are the same who were most active in organizing the AEPF9 have not been invited, meanwhile the INGOs invited to RTIM this year are represented either by freshly arrived country directors, have just been established or are known for 'behaving'?

I wish you fruitful discussions during the RTIM and hope that this event will meet the objective it is assigned officially:

"The Round Table Process and its associated Round Table mechanisms facilitates meaningful dialogue on Official Development Assistance (ODA), aid effectiveness, strategic planning and alignment.

It enables the sharing of knowledge and ideas, and helps bring common understanding of, and collaboration on, national priorities. It promotes collaboration, cooperation and understanding by both Government and Development Partners as they work together to make the National Socio-Economic Development Plan as effective, efficient and inclusive as possible."




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Anne-Sophie GINDROZ
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URGENT



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Foreign Affairs

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Vientiane, 07 December 2012

Attn: Mr. Melchior Lengsfeld,
Executive Director
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Cc: HELVETAS office in Lao PDR

Dear Mr. Executive Director,

At the outset, I would like to extend my personal warm greeting to you and would also like to take this opportunity to convey the Lao Government's acknowledgement of appreciation for the important contribution of HELVETAS Laos to the socio-economic development in Laos since 2001. The development interventions by HELVETAS Laos have contributed to the economic growth, poverty reduction and progressive attainment of the development objectives in the Lao PDR. HELVETAS Laos commendable contribution in the agricultural sector particularly organic farming has provided local people, poor households with income generating alternatives in an environmentally sustainable manner. As a non-profit international non-governmental organization, HELVETAS has its vision, principles and professional ethics, the adherence to which is an important factor that has helped make its mission in the Lao PDR relevant and successful over the past years.

While appreciating the productive development partnership with HELVETAS Laos, the Lao Government is dismayed by the improper behavior of its current Country Director, Ms Anne-Sophie GINDROZ. Her unconstructive attitude towards the Lao

PDR has become apparent and gone far beyond the acceptable international norms and practices as the head of an international organization should reside in good faith and compliance with the Constitution and Law of the host country. Her letter dated 21 November, 2012 addressed to the Development Partners in Lao PDR which I attached herewith for your perusal, demonstrated her explicit rejection of the Lao PDR's Constitution and Law, particularly its political system. Moreover, she called on Development Partners and others not to side with the Government of the Lao PDR.

In reality, the international community is aware of the endeavors made by the Lao Government to promote and protect human rights of the Lao people. Over the past years, positive developments have been made in this regard which include the ratification of most UN core human rights treaties, the successful review under the UN Human Rights Council Universal Periodic Review(UPR), the translation of human rights obligations and commitments into national policies, laws and actions. These efforts by the Lao PDR have gained international praise and support. The hosting by the Lao PDR of the 9th Asia-Europe Summit and other related events recently in Vientiane is testimony to the trust placed by the international community on the Lao PDR.

Based on international law, the Lao people have exercised their full sovereign right to choose the political system as they wished, which suits the national conditions and which is best responsive to their needs and aspirations. International law neither prescribes a single form of democracy nor does it require a state to adopt a particular political system. Every state is free to choose the right path of its political and economic development as enshrined in the UN Charter.

The prejudicial anti-Lao Government campaign by HELVETAS Laos Country Director is contrary to international law norms and principles. Her act has contravened the purposes and principles of the UN Charter, in particular Article 2, paragraph 7. Her baseless accusations towards the Lao PDR contravene the country's national legal order, in particular violate the provision of Article 18 of the Prime Minister's Decree on International Non-Governmental Organizations in the Lao PDR No:013/PM of 8 January 2010, which states that "*INGO, staff members and their dependents working in the Lao PDR have the obligations to respect the laws, regulations and fine culture of the Lao PDR.*" Accordingly, sanction is applicable for the violator under Article 29 of the Decree, which states that "*...An INGO or its staff who carry out an activity contrary to the policy of the*

Government and in violation of the law and regulations as well as the Lao fine traditions shall be subjected to the laws and regulations of the Lao PDR”.

The unprofessional conduct of this top executive of HELVETAS Laos towards the Lao PDR is intolerable and unacceptable for the Lao PDR and its people. HELVETAS Laos and all other international non-governmental organizations operating in the Lao PDR, as well as their personnel, local or international, must operate and behave within the ambits of the national Constitution and Law and the relevant international law norms and principles, especially the principles of respect for sovereignty, non-interference and self-determination.

Therefore, the foregoing facts have warranted the Lao Government to announce that there is no more legitimate ground for Ms Anne-Sophie GINDROZ to continue her presence in the territory of the Lao PDR. Accordingly, she is required by law to leave the country within 48 hours from the date of this official notification.

This measure decided by the Lao Government should in no case be interpreted as being directed against HEVETAS Laos as a whole. The measure has been taken against the individual who has improperly behaved in violation of the Lao PDR's Constitution and Law. Therefore, the Lao Government requests HELVETAS to consider sending new HELVETAS Laos' Country Director to continue HELVETAS' good work in due course.

Sincerely yours,




Phavanh Nuanthasing
Director General
Department of International Organizations
Ministry of Foreign Affairs of the Lao PDR