

HMONG IN ISOLATION

Atrocities against the indigenous Hmong
in the Xaisomboun Region of Laos



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Hmong in Isolation: Atrocities against the indigenous Hmong in the Xaisomboun Region of Laos

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Summary

On 15 February 2019, the provincial authorities in Xaisomboun Province – a natural resource rich, mountainous region of Laos inhabited by the indigenous ChaoFa Hmong community – signed a deal with a private company to explore of developing the region around the Phou Bia mountain, Lao’s biggest mountain, for tourism. That agreement has kick-started a further round of repression of the indigenous Hmong, threatening their existence.

Military attacks and persecution in the region are not new. The Hmong have, for decades, endured militarized occupation in aid of extractive industries. Since 2015, as more foreign investment has poured into Laos, they have witnessed attacks increasing and ever more people forced to leave their lands for militarized settlements. There they have limited employment, no rights to an education in their own language, and little in the way of humanitarian assistance.

Over the past two years, the plight of the Hmong has been coming to the attention of the UN’s various human rights expert bodies. In 2019, the UN Special Rapporteur on Extreme Poverty was permitted a visit to Laos; though not to Xaisomboun Province. He found systemic policies of discrimination against rural, ethnic minority and indigenous communities.

In 2020, nine UN Special Rapporteurs and the UN Working Group on Enforced Disappearances wrote a Letter of Allegation to the government of Laos, expressing deep concern with the attacks on the ChaoFa Hmong community and their dire humanitarian situation.

In March 2021, the UN’s academic partner in its genocide early warning mechanism upgraded the risk level in Laos, citing specifically the military’s targeting and persecution of the Hmong as a primary indicator of potential future mass atrocities.

Yet, despite these developments, the government has over these past two years ramped up its efforts to clear the region of the Hmong. In March 2021, just as the risk-level for mass atrocities in Laos was increased, the military sealed off the Phou Bia region completely and began a final push to clear the area for the tourism project it agreed to in 2019.

This report argues that the international community must act urgently to protect the Hmong in the Xaisomboun Province, not only for the sake of the Hmong there, but also to ensure that the government’s policies there do not spread to all rural ethnic minority and indigenous communities across Laos.

Introduction

The Government of Laos has deployed decades of repression and human rights violations against its population. The country, however, has largely managed to escape international media scrutiny for its human rights abuses. Individuals and civil society organizations are highly controlled. As identified in a recent report, the government regularly resorts to mass displacements and illegal land grabs, which have particular impact on vulnerable populations.¹

In this context, ethnic Hmong in the Xaisomboun region (the so-called, “ChaoFa Hmong”) have faced a history of discrimination and human rights violations. This includes uncompensated land confiscation, arbitrary arrests, enforced disappearances, suppression of freedom of expression and severe restrictions on their economic, social and cultural rights.² This has increased since around 2015 alongside incentives for economic development projects driven by foreign investment in Laos, and continues to this day, with a major escalation occurring in March 2021.

About the UNPO

The Unrepresented Nations and Peoples Organization (UNPO) is an international movement and

organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their rights to self-determination.

The nations and peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression.

The UNPO members provide the organization’s core funding and fully govern the organization. Our members include states with limited recognition, governments of sub-national entities, unequally treated in domestic affairs, governments-in-exile of occupied states, political parties, people’s assemblies, and other indigenous and minority rights movements, together accounting for over 300 million people worldwide. The UNPO members include the Hmong people, represented by the Congress of World Hmong People, the subjects of this report.

Background

Context of the current crisis

The Xaisomboun region of Laos is a mountainous, isolated and strategically-important region in central Laos, near the border of Thailand and north of the capital Vientiane. It is rich in natural resources and is an area traditionally inhabited by the Hmong people.

The Hmong are distrusted and systemically discriminated against in Laos because of a range of factors, including: historical inter-ethnic animosity; the fact that large number of Hmong practice the Catholic religion in a Communist and predominantly Buddhist country; and the involvement of the Hmong community with the US government's fight against the North Vietnamese during the Vietnam war.

Stemming from this distrust of the Hmong people, the existence of pockets of Hmong resistance against the Lao PDR, and the strategic and economic importance of the region, the Xaisomboun region has long been an area of conflict between the Lao PDR and the Hmong people.³

Between 1994 and 2006 it was designated a Special Administrative Zone under tight military control

designed to suppress the Hmong and exploit the region's natural resources.

Since that time, it has been incorporated as a Province of Laos. However, it remains under heavy military occupation with Hmong forced into government-controlled resettlement camps and villages. There are also repeated military attacks against Hmong in isolated communities in the jungle in and around the Phou Bia mountain, the highest mountain in Laos and an area of Hmong resistance.

As incentives for economic development and exploitation of the region's natural resources have increased, particularly since around 2016 with increased foreign investment in Laos, suppression of the Hmong region-wide, and instances of military attacks in the Phou Bia area have increased, as the government seeks to clear the region for economic development. Many people around the Phou Bia region have "surrendered" to the government, forcibly being resettled in military-controlled camps and villages.

The region remains heavily isolated from the outside world, with the Lao PDR taking measures to limit access only to those associated with the large development projects: mining, timber, and even a planned tourism project.

As recently outlined in a report by Asean Today, following skirmishes in 2015, a campaign was launched in April 2016 to seize territories around Phou Bia, with continued attacks continuing in subsequent years.⁴

International concern

The situation of ethnic minorities and indigenous people in Laos, and in particular the situation of the Hmong in the Xaisomboun region, has recently been gaining the attention of UN experts.

In March 2019, the UN Special Rapporteur on Extreme Poverty visited Laos, one of only two missions to Laos by UN human rights mechanisms that the Lao PDR government has permitted in decades. His assessments noted, amongst others, “that poverty is concentrated among the minority (non-Lao-Tai) ethnic groups, who have lower rates of education, depend primarily on agriculture, and live in more remote areas” and that “there are real indications that government policies disfavor minorities.”⁵

In August 2020, nine UN Special Rapporteurs and the UN Working Group on Enforced Disappearances wrote a letter of allegation to the government of Lao PDR expressing concern regarding the:

alarming situation of the
Hmong indigenous

community located in the Phou Bia Region (referred to as the “ChaoFa Hmong”), including the indiscriminate attacks against the community, enforced and involuntary disappearances, denying access to their rights to food, housing, health and safe drinking water.”

The signatories to this letter were the UN:

- Special Rapporteur on the right to food.
- Working Group on Enforced or Involuntary Disappearances
- Special Rapporteur on human rights and the environment
- Special Rapporteur on extrajudicial, summary or arbitrary executions
- Special Rapporteur on the right to health
- Special Rapporteur on the the right to adequate housing
- Special Rapporteur on the rights of indigenous people
- Special Rapporteur on Minorities issues

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- Special Rapporteur on extreme poverty and human rights; and the
- Special Rapporteur on the human rights to safe drinking water and sanitation

Thereafter, a March 2021 atrocity crimes risk assessment by the Asia Pacific Centre for the Responsibility to Protect, a partner of the United Nations Office on Genocide Prevention and the Responsibility to Protect, upgraded the threat-level of mass atrocities being committed in Laos.

In doing so, the risk assessment specifically highlighted that the treatment of the Hmong “is of

particular concern” as a harbinger of future atrocities. It found that:

the Hmong ethnic tribe are continually persecuted and targeted by the Laotian military. This constitutes ‘discriminatory or targeted practices....against a protected group’.⁶

Attacks on Hmong living in the Phou Bia region

Almost immediately after the upgrading of the risk levels of mass atrocities in Lao PDR, in late March 2021, the Lao PDR military sealed off the area around the Phou Bia mountain in the Xaisomboun region and began an operation to fully clear the area of Hmong living there.

While the region has been made purposely inaccessible to outside observers, and has been effectively sealed off from access with the outside world, some outside actors, most notably the Congress of World Hmong

People, a member of the UNPO, and Radio Free Asia, have been able to have some limited contact with people in the closed area.

Reports of brutal killings perpetrated by the military, as well as the desperate humanitarian situation of the people trapped there, have been surfacing. This represents an escalation of the persecution of the Hmong in the region to new levels and threatening their very existence. It also represents the culmination of a series of events that

have occurred since around February 2019 in the region.

Timeline of Recent Events

February 2019

On 15 February 2019, Xaisomboun Province's Information, Culture and Tourism Department and the Khamphay Sana Group signed a memorandum of understanding concerning a feasibility study on construction of tourist facilities on Phou Bia Mountain.⁷ This marked the first step towards the present crisis, creating an even greater incentive for the clearance of the Hmong from the Phou Bia region: a potential \$500m tourism development project.

April 2019

In November 2018, a group of 64 individuals living in the Phou Bia area had "surrendered". Some individuals were settled in five other villages of the Xiengkhouang Province namely Khamxi, Thongper, Thamxai, Nong Had and Phu Hong. In mid-April it was reported to the Congress of World Hmong People that the military had threatened them to prevent leaks of information pertaining to their living conditions or whereabouts, and that four women and one minor had complained about sexual abuse by the military.

On 29th April 2019, two individuals went missing after they were victims of an attack while looking for food. The same day, shootings and explosions were reported North of Vang Vieng, a tourist town in Vientiane Province, on the border of the Xaisomboun region.

March 2020

On 10 March 2020, four individuals living in the Phou Bia area – an 80 year old man, his 19 year-old granddaughter, and two minors – left Xaisomboun Province in an attempt to escape to Thailand. The group arrived near the Mekong river on March 12th. However, after failing to cross the border to Thailand, they decided to turn back and reached a checkpoint in Paksan by the end of the day. While they had been in constant telephone contact with the community remaining in Phou Bia, at the checkpoint their communication was cut off and the members of the group disappeared.

On 28 March 2020, the drivers of the car transporting the missing group were found dead in the pick-up truck transporting the group in a ravine beside the road. The nature and gravity of their injuries reveal they were victims of physical violence before dying.⁸

May 2020

On 9 May 2020, another attack was launched by the army on a group of Hmong living in the La Na area of

Xaisomboun Province. A man, named Chor Xiong was fatally shot. Following the attack, a raid was conducted, and the army allegedly managed to seize a satellite telephone, portable solar panel chargers and cooking devices leaving the group without any tools for cooking or contacting the outside.⁹

July 2020

A source reported to the Congress of World Hmong People that the young women and the two children disappeared on March were seen in a detention centre in the Xaisomboun zone. No indications were given about the whereabouts of the old man. Because fear of reprisals, the source did not agree in sharing more precise details. A case was raised with the UN Working Group on Enforced Disappearances.

August 2020

Aug. 21, 2020 a group of about 100 Lao government soldiers launched an assault against Hmong in the Phou Bia area.

December 2020

The Congress of World Hmong People were informed of a possible tightening of restrictions in the Xaisomboun Province including potential telecommunications blackouts planned.

January 2021

During the 11th National Congress of the ruling Lao People's Revolutionary Party, Major General Khamlieng Outhakaisone stated that the process of clearing and controlling Xaisomboun province had been successful. He stated that the “authorities in Xaisomboun Province have worked hard to monitor and suppress occasional flareups of unrest.”¹⁰

Thereafter, the government of Lao PDR announced the development of the Pho Bia Mountain as a tourist site, in a project estimated to be worth up to US \$500 million.¹¹

Also in January, coinciding with a communication from the UN Working Group on Enforced Disappearances to the government of Lao PDR regarding the case of enforced disappearance that had been raised to them, family members of the disappeared group living in highly surveilled villages reported threats from the authorities indicating that “if they do anything wrong will face consequences”.

March 2021

On 8 March 2021, Mr. Chue Youa Vang (Hmong name : Tswv Yuam Vaj), a 63-year-old man, was killed when he was looking for food by the Lao military coming from the Thao Thong Thao Vieng region. Mr. Vang was a relative of two members of the missing group.

On 14th March 2021, Xaisomboun Province authorities issued a decree, circulated via a letter sent to 26 villages in the area, restricting access to the Phou Bia area to all civilians. The letter stated that access to the area was permitted only to military personnel, with all roads being closed from 14 – 30 March 2021 (subsequently extended).¹²

Military actions against the communities living in the area began, with some reports leaking out of atrocities being committed, including pictures of a decapitated man being circulated in Hmong social media channels.

April 2021

On 1 April 2021 Radio Free Asia conducted its own assessment of the situation, having been alerted by the UNPO and others. Speaking with its own sources both inside Xaisomboun Province and outside of it, it confirmed that “Lao government troops have launched a new campaign of attacks against groups of ethnic Hmong living in forests near Phou Bia Mountain.”¹³

One of Radio Free Asia’s sources stated to it that “[t]he Lao government claims that the Hmong in the Phou Bia area of Xaisomboun province are members of an anti-Lao government group so that the government military can crack down on them... Actually they are just ordinary people.”

The region continues to be strictly closed to international observers, journalists, or visitors. What limited communication with communities living in the area that have been able to be established have indicated that certain communities are surrounded by the military without access to adequate supplies of food or water.

Link with Foreign Investment

The escalation in violence coincides with increased economic development and foreign investment in the Phou Bia area. Development projects include hydroelectric dams,¹⁴ mining activities and a newly announced multi-million dollar tourist facility worth an estimated US \$ 500 million.¹⁵

As investment has grown, the Government has expressed a clear interest in promoting development and ensuring control over the region. Xaisomboun’s Information, Culture and Tourism Department and the Khamphay Sana Group signed a memorandum of understanding concerning a feasibility study on the construction of tourist facilities on Phou Bia mountain on 15 February 2019. Following new announcements over the commencement of the project in early 2021, the Provincial Governor of Xaisomboun informed the Eleventh Party Congress that it was working

“hard to monitor and suppress occasional flareups of unrest.”

As violence continued in the region, the Government took further measures to control the area and, on 14 March 2021, authorities in Xaisomboun issued a decree restricting access in the Phou Bia jungle exclusively to military personnel.

The link between the attacks and foreign investment driven economic development initiatives was outlined in a 10 April 2021 report by Asean Today. That report argued that “[t]he Lao government is reportedly ramping up

military operations against Hmong communities in what appears to be an effort to secure land and resources for foreign investment and economic integration projects.”¹⁶

This follows a pattern of practice country-wide. A recent report from the Human Rights Foundation, for example, found that foreign-investment driven economic development projects have been linked with increased military activity and negative consequences for Lao’s many rural ethnic minorities, including illegal land clearances and expropriation of land.¹⁷

The living conditions of the Hmong in camps

In addition to the Hmong living in the Phou Bia region, across the Xaisomboun Province there are Hmong living in resettlement camps and military-controlled villages.

These Hmong including those who were forcibly repatriated to Laos from refugee camps in Thailand in around 2009¹⁸ and those who were living in isolated settlements in the Phou Bia region who have subsequently “surrendered” to the government following one of the many military incursions that have occurred over the past decades.

Access to Xaisomboun Province, and in particular the area in-and-around Phou

Bia is extremely restricted, with the government having refused to allow outside observers or humanitarian aid into the area. This heavily restricts the amount of information that is able to be received from the area to fully understand the extent of the problems faced by the Hmong there.

Nonetheless, what information is able to get out of the region paints a disturbing picture of what life is like for the Hmong who have ultimately ended up in the hands of the military.

Forced resettlement into military-controlled camps

There is also strong evidence of forced resettlement of ethnic Hmong to government controlled villages. Hmong in these villages are closely guarded by government agents, in many instances living among soldiers, leading to serious psychological stress.

Information that the Congress of World Hmong people receives from the region indicates Hmong men are separated from their families and subjected to long periods of repeated interrogation upon their surrender. Families were not allocated land upon their relocation and are thus prevented from farming or engaging in any agricultural activities.

Hmong, who are used to a barter economy, can work for other villagers in exchange of food. However, according to recent testimonies, these exchanges are largely asymmetrical as some have testified to work for endless hours for meagre reward. In exchange for their work, they receive only the bare minimum necessary for their survival (food, clothing, utensils).

In the villages, Hmong testimonies indicate that they do not have access to safe drinking water, or adequate water containers.

Families live in shacks made of bamboo and sun-eaten wooden planks.

The roofs are made of aluminum and the beds of cloth sacks and plastic bags.

Surrendered children remaining in villages can attend school although they study exclusively Lao language and culture. Therefore, they do not have access to education in their own language.

Women (including minors) who surrendered have also been exposed to abuses (including sexual abuses) and threats of forced marriage. Testimonies reported cases of rape and torture by the Laotian military and described situations in which women who surrendered to the military were held in slavery-like conditions. Women reported living in a state of traumatic stress and are unable to share the extent of their suffering.¹⁹

Investigation of a European journalist

In December 2019 a European journalist was able to enter parts of the Xaisomboun Province, closest to Vietiance Province. The journalist, who has asked to remain confidential provided the following information to the UNPO in May 2020.

In the interests of providing as complete a picture as possible as to the living conditions of the Hmong in the area, the information provided to the

UNPO by the journalist is reprinted here.

“Mr XY, my interpreter, slowed down, after passing the village of Muang Khoun, and confessed that if I tried to get into the jungle I would be shot.

“‘The soldiers stand there and there,’ he said, pointing slightly with his head. It's very dangerous. ‘What do they protect?’ I asked. ‘They don't protect anything here. They watch the Chaofa who are still hiding in the jungle,’ he blurted out.”

“A few kilometers away from a dam, funded by the Japanese in 2014, two angry soldiers were cutting the road with a rope of light clothing. It was in the way to Thasi. They wore the official khaki green uniform of Lao People's Army, with the Lao national insignia on the chest, and did not carry long weapons. Their faces showed aggressiveness, weariness. My translator took out his identity card and the papers from the bike. Everything was okay and we could leave. It seemed simple, but we realized we were in hostile land. They let us pass because we said we were going to Vientiane, the capital of Laos. From there until getting to Thasi, we found half a dozen military stands made of logs.

“Thasi was the point where we turned left. One Lao woman, who served us a meal, told us that her husband was a soldier, and that the village was full of them. In the streets you could see some people wearing khaki trousers. Thasi was one of the villages that the Chaofa said they controlled in the beginning of the 2000's, so it keeps being a sensitive area.

“From Thasi to Kang Vieng, the village where the surrendered people live, we took one hour. The paved road had constant slopes. The area was wild, uninhabited. 45 minutes later we found a small esplanade with white rectangular structures on one level, mottled with wooden doors. They were placed geometrically, a few meters from each other. They were army barracks – only soldiers live here –, my translator confirmed.

“The village where the surrendered live was just after that. It was like a wet brown spot in the middle of the green jungle. An area that seemed to be eternally under construction. Only bulldozers were missing. Absent from snack stands and soft drinks, it didn't exactly invite us to stay. On the margins of the path that crossed it there were wooden shacks. One villager in there told us that the families have to live door by door with the soldiers, so they couldn't speak louder to us. Most of the soldiers are also Hmong, but they come from other districts, where they

supported the communists during the Laotian Civil War.

“The first family I interviewed lived in a shack made of bamboo and sun-eaten wooden planks. The triangular roof, made of aluminium planks, fell almost to the ground. Their bed was full of cloth sacks and plastic bags. On one side of the hut there was a wooden table where some kitchen utensils and three metal pots had been placed. They said they were given by people in the village, in exchange for some favours. There was no light inside, nor was there running water. I sensed that the black plastic cubes they had were to bring it from somewhere else.

“We came to live here because before we had nothing to eat, not even rice, only leaves — they assured — but the government has asked us not to explain anything that we experienced before.

“So the Government insisted them not to explain they came out from the jungle, and from the look in their eyes, one could understand that they could face terrible reprisals in case that they didn't follow the instructions. But because I was a foreigner, I think they had some hope I could take them out, so that's why they shared with me.

“Anyway, after saying it, the frightened husband paused briefly. The woman's sister, also from the jungle, wanted to know if we had permission to be there.

They were really scared. When they felt more relaxed, they told us that at first, when they surrendered, the men were separated from the woman and sent to another area, where the police questioned them for some weeks. They didn't give more details on this. The authorities gave three sack of rice to the wives, but she said they didn't last long. About thirty kilos in total for all the family. At the market it would only have costed 20 euro.

“Since then, the family had not received any financial or food aid from the administration. The wife denounced that they survived by working for the people in the village and sometimes being exploited by them. She recalled to have worked non stop for 48 hours in a farm. Meanwhile, the children had gone to village school for free, where they only teach in Lao language and Lao culture. The mum was worried because the authorities didn't confirm to her if her kids could attend the school for free also in the next year.

“It felt to me that Kang Vieng was a prison without bars. The family didn't have money, neither documentation. Not even the family book provided by the Ministry of Public Security which is essential so that children can continue going to school in the future or get jobs when they grow up. Without this document, families will never have the chance to have private property or health coverage. When I asked them if

they knew about their rights, they said they didn't receive any information regarding all this and complained that they were told they couldn't go further than 20 kilometres. Finally, when we finished the interview, they asked again what would they do if the police got to know that they were speaking with me, and asked me not to take any photos of them.

"The next interview was near there. The man lived in a solitary, and decadent, former army barrack. The walls, previously yellow, had turned pale and were full of inscriptions and drawings with black and white chalk. There were numbers and a strange inscription in the Hmong language that said 'no transactions are made.' The surrounding patio was dry, its soil removed. The room of this man, living with a 3-year old kid, was a messy, closed-smelling ring, with sacks, papers and all kinds of field junk scattered on the ground. He didn't have light nor

water. This man said he was just helping some local peasants in the fields to earn some money because the only thing that government gave him when he surrendered was this room and one rice sack. He complained that the Government didn't give him land as promised in the jungle, so he couldn't grow vegetables. His wife was shot dead in the jungle. And he showed me many wounds he still had in his body, which prove he was shot many times by the army.

"I asked him why he didn't surrender earlier and he explained that, before that terrible day, he didn't have the chance and he was afraid he would get killed. He said his nephew surrendered before him and was killed by the army. Before I left, I asked him what worried him most and he said the fact that he is not allowed to move or to grow vegetables. If he could decide, he said he would travel to United States."

Government Stonewalling

Despite mounting evidence and calls of concern from the United Nations, civil society and international media, the government of Laos PDR has refused access to the region and failed to properly respond to the allegations while continuing its campaign against the Hmong community in the Phou Bia region.

In particular, the government has failed to adequately respond to or address concerns expressed by United Nations human rights bodies.

The government also continues a long-standing practice of denying entry to the region. This includes, based on UNPO's understanding, a denial by the government upon a request by the

Special Rapporteur Philip Alston to visit the region.

This is further seen in the government's decree in March 2021 limiting access to the Phou Bia region exclusively to military personnel.

On 28 August 2020, ten United Nations Special Rapporteurs of the UN Human Rights Council expressed serious concerns about the allegations of state-sponsored persecution against the Hmong through a public joint allegation letter which detailed indiscriminate attacks on the community located in the Phou Bia region, as well as enforced and involuntary disappearances, denial of

access of right to food, housing, health and safe drinking water.²⁰ The UNPO understands, however, that the government has not sent an official reply to the allegation letter.

Further, in a response to a communication sent by the Working Group on Enforced or Involuntary Disappearances, the Lao PDR denied any knowledge of the alleged incident. The Government took the further step of denying the existence of any Chao Fa Hmong living in the region, and local authorities immediately responded by threatening the families of the disappeared persons if they continued with their efforts at the United Nations.

Conclusion

On 15 February 2019, the provincial authorities in Xaisomboun Province signed a deal to explore the possibility of developing the region around the Phou Bia mountain, Lao's biggest mountain, for tourism purposes. This agreement has proven fateful for the indigenous Hmong who have long-inhabited the area.

The Hmong have for decades been subject to discriminatory policies, land clearances, forced resettlement and military attacks by the government of Lao PDR. Slowly, but surely, they are being eradicated from the region, with those that remain forced to live in

incredibly controlled environments, in poor conditions.

Those that try to flee persecution or raise the alarm are directly targeted or their families threatened.

From around 2015, the attacks and persecution in Xaisomboun Province have increased as foreign investment has incentivized the government to use the natural riches of the region for timber, mining, and tourism purposes.

The decision to develop the Phou Bia mountain appears to sound the death knell for the Hmong living there.

The government's policy related to Phou Bia is horribly contradictory. On the one hand, the government claims that the region is too dangerous for outsiders to enter it to see what is happening there, and denies the international community the ability to monitor and protect the rights of the indigenous population. On the other, the government claims that it is a region ready for tourism. And behind the curtain it has drawn over the region, the government acts freely, treating the indigenous Hmong population as state enemies and not citizens, and creating a heavily militarized zone to control a population, the ChaoFa Hmong, that it repeatedly denies even exists.

The government's policy towards the Hmong has been identified by the UN's partners in its genocide early-warning mechanism as the primary reason for concern about the potential for mass atrocities in Laos. The UN Special Rapporteur on Extreme Poverty found, in his visit to Laos, systemic discrimination against ethnic minorities and rural communities, such as the ChaoFa Hmong. The UN Working Group on Enforced Disappearances has seized itself cases of disappeared Hmong fleeing the region. And nine UN Special Rapporteurs and the UN Working Group on Enforced Disappearances have written to the government expressing their concern with the attacks and persecution of the ChaoFa

Hmong and demanded that the government provide information on the situation.

Yet, the government of Lao PDR has repeatedly shown its disdain for any attempts at holding it accountable for complying with its human rights commitments. It refuses to even appropriately respond to the concerns raised by the United Nations and its partners, let alone to allow independent observers and humanitarian aid into the region.

The government's actions, and the information that is able to get out from what is a heavily controlled and militarized area, indicate that the government indeed has something to hide. And yet, beyond the United Nations human rights mechanisms, the international community has to-date, chosen largely to ignore the situation in the Xaisomboun region.

With its thirst for foreign investment, the government of Lao PDR has proven that it can and will respond to international incentives. The international community needs to take up this challenge and press the government, using the incentive of withdrawal of foreign aid and trade, to open up the Xaisomboun province and allow independent observers and humanitarian aid in.

It must back up the UN's human rights experts, by escalating the situation to

the diplomatic level and by publicly making clear to the government of Lao PDR that it can no longer receive the international cooperation it seeks, without guaranteeing that it will cooperate fully with the international mechanisms that it is party to.

Failure to do so, risks highlighting to the government that the policies it has enacted in the Xaisomboun region can safely be copied elsewhere in Laos, greatly increasing the risk of country-wide mass atrocities in the future.

Endnotes

- 1 Human Rights Foundation, *The Impact of Foreign Investment on Human Rights in Laos* (February 2021), available at https://hrf.org/press_posts/report-the-impact-of-foreign-investment-on-human-rights-in-laos/.
- 2 UNPO and Congress of World Hmong People (CWHP), *Joint Submission to the UN Office of the High Commissioner for Human Rights for the consideration of the 3rd Universal Periodic Review of the Lao People's Democratic Republic* (July 2019) available at <https://unpo.org/article/21585>.
- 3 See, e.g., Amnesty International, *Lao People's Democratic Republic: Hiding in the jungle - Hmong under threat* (23 March 2007), available at <https://www.amnesty.org/en/documents/ASA26/003/2007/en/>.
- 4 ASEAN Today, *Lao government, ethnic communities clash over development projects* (9 April 2021) available at <https://www.aseantoday.com/2021/04/lao-government-ethnic-communities-clash-over-development-projects/>.
- 5 *Statement by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights on his visit to Lao PDR* (28 March 2019) available at <https://srpovertyorg.files.wordpress.com/2019/03/lao-pdr-end-of-mission-statement.pdf>; *Report of the Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic* (June 2019), available at <https://undocs.org/A/HRC/41/39/Add.2>.
- 6 Asia Pacific Centre – Responsibility to Protect, *Atrocity Crimes Risk Assessment Series: Lao People's Democratic Republic* (15 March 2021), available at https://r2pasiapacific.org/files/6317/Risk_Assessment_laos_vol15_march2021.pdf; see also United Nations Office on Genocide Prevention and the Responsibility to Protect, *Partners*, available at <https://www.un.org/en/genocideprevention/partners.shtml>
- 7 Vientiane Times/ANN, *Study Assesses Phou Bia Mountain's tourism potential* (8 May 2019) available at <https://laos.opendevdevelopmentmekong.net/news/study-assesses-phou-bia-mountains-tourism-potential/>; see also The Star, *Laos' Xaysomboun province launches feasibility study for agriculture, tourism development* (13 July 2020) available at <https://www.thestar.com.my/aseanplus/aseanplus-news/2020/07/13/laos039-xaysomboun-province-launches-feasibility-study-for-agriculture-tourism-development>
- 8 See UNPO, *Hmong: Minors Missing since 12 March* (19 May 2020), available at <https://unpo.org/article/21892>.
- 9 UNPO, *Hmong: New Deadly Attack Launched by Laotian Military* (12 May 2020), available at <https://unpo.org/article/21883>.
- 10 The Laotian Times, *Unrest in Xaysomboun Province Now Resolved* (22 January 2021), available at <https://laotiantimes.com/2021/01/22/unrest-in-xaysomboun-province-now-resolved/>.
- 11 ASEAN Today, *supra* note 3.
- 12 <https://www.facebook.com/groups/khaolao/permalink/1135009066943290/>
- 13 Radio Free Asia, *Lao Government Troops Launch New Assault Against Hmong at Phou Bia Mountain* (1 April 2021), available at <https://www.rfa.org/english/news/laos/assault-04012021160502.html>.
- 14 Radio Free Asia, *Laos and its Dams: Southeast Asia's Battery, Built by China* (2019), available at <https://www.aseantoday.com/2021/04/lao-government-ethnic-communities-clash-over-development-projects>; The Diplomat, *In the Face of Criticism, Laos Pushes Ahead With Four Mekong Dams* (14 January 2021), available at <https://thediplomat.com/2021/01/in-the-face-of-criticism-laos-pushes-ahead-with-four-mekong-dams/>
- 15 The Laotian Times, *Phu Bia Mountain to be Developed as New Tourism Site* (12 January 2021) available at <https://laotiantimes.com/2021/01/12/phu-bia-mountain-to-be-developed-as-new->

[tourism-site/](#).

16 ASEAN Today, supra note 3.

17 Human Rights Foundation, supra note 1.

18 New York Times, Thailand Begins Repatriation of Hmong to Laos (27 December 2009), available at <https://www.nytimes.com/2009/12/28/world/asia/28hmong.html>; Amnesty International, *Laos:*

Refugees forcible returned to Laos (13 January 2010), available at

<https://www.amnesty.org/en/documents/ASA26/001/2010/en/>.

19 This information is originated from confidential CWHP and UNPO sources.

20 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25491>

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