



ພັນທະມິດເພື່ອປະຊາທິປະໄຕໃນລາວ

ALLIANCE FOR DEMOCRACY IN LAOS

Alliance pour la Démocratie au Laos

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Distinguished Chair,
Fellow democracy advocates,
Ladies and gentlemen,

On behalf of the Alliance for Democracy in Laos (ADL) and fellow freedom-loving Laotians, I wish to express our thanks and gratitude for the opportunity to take part in this Forum. We do hope the work of the Forum will help build a platform for the ASEAN Intergovernmental Commission on Human Rights to register our concern with the Lao PDR government on the need for human rights respect and adherence in the country.

First of all, we should first devote ourselves to the question of what is a constitutional state. A well-functioning constitutional state is based on the principles of democracy and that all human beings are equal before the law. To achieve this, the principle of the separation of powers must be strictly adhered to. The three branches of the judiciary, the executive and the legislative branch must be clearly separated and able to work independently. But that alone is not enough. In addition to the principle of equality and the separation of powers, respect for human rights is an important part of the rule of law. Of course, we mean the human rights as laid down in the United Nations Charter on Human Rights. We remind that all member states of the UN have signed this charter.

Another topic in this context is compliance with international legal standards. The countries of ASEAN need investors. The investors invest but only if they get legal certainty. Therefore, all countries should be interested in reaching this standard.

Lastly, we still consider international law as important. As correctly formulated by Woodrow Wilson in 1918, the right of peoples to self-determination is the cornerstone of peace and stability in the world.

So now we will take a look on the reality in the ASEAN. Let's take a look at the People's Republic of Laos as an example. In July 2018, there was a review of the Lao People's Republic at the UN Human Rights Committee in Geneva, unfortunately had to be found that the legal system in this country in no way met the international standard. Of course, one wonders how such a discrepancy could come about.

First of all, it has to be said that the principle of equality in Laos is by no means fulfilled. Still members of the Communist Party are condemned in the courts much milder than the rest of the population. This is mainly because the Lao PDR in no way corresponds to a democratic system. The separation of powers has not been realized in the country so far. Time and again, politicians and other institutions influence the judiciary.

Time and again, the United Nations and other international bodies like the European parliament lamented, that the country is also far behind in the area of human rights.

Especially symptomatic here are the countless contradictions in the legal system of the Lao PDR. On the one hand, the speech and freedom of the press are enshrined in the constitution; on the other hand, these freedoms are repealed by decrees such as Decree No. 327. Other contradictions are between written law and reality. Although drug trafficking and deforestation are illegal without authorization, they still take place in large scale. Regarding reports by Lao people, these criminal actions are covered by corrupt officials.

A particularly notable fact is the difference in the sentences. Critics of the regime are punished with imprisonment of up to 20 years, and traffickers and drug traffickers are usually given only 2 years in prison. Corrupt officials are usually not punished at all; on the contrary they are relocated and are thus usually even promoted.

But also the right of self-determination of peoples is in danger in Laos. The influence of neighboring countries China and Vietnam has meanwhile reached disastrous proportions. Officially Laos is an independent country, but in Fact it is a Chinese/Vietnamese colony. The Lao Vietnamese Friendship Treaty of 18.07.1977, which was then closed for 25 years and renewed every 10 years, guarantees Vietnam control over the Lao People's Republic. Key officials in Laos continue to be occupied by Vietnamese, and Vietnamese advisers and superiors are still present in Laos, with an increasing trend. This also continues in the political offices. The many special economic zones that belong to China have meant that the population is no longer master of their own land.

We therefore call for the government of Laos to change the system to a democracy with genuine freedom of expression, a multiparty system and a genuine separation of powers. The friendship treaty with Vietnam and relations with China also require a fundamental change. The countries of ASEAN keep looking back at the success of the EU. Above all, EU countries are successful because they share the same values and interact with each other in mutual respect. This type of policy is a win for all and has helped the EU through so many crises. If ASEAN wants to be just as successful, it has to transfer those principles to its community. The EU has shown that in such a community, especially in human rights issues, there is no interference in the internal affairs of other states. Nevertheless, the sovereignty of each individual Member State is granted.

We hope ASEAN will do it soon. Maybe the ASEAN States can do it even better, that would be a real challenge. We wish the ASEAN much success on this journey and are happy to assist ASEAN.

Thank you for your attention

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