

EXECUTIVE SUMMARY

**Counter-Inquiry on the accusations involving ACF within the programs
implemented in the Muang Long District (Laos)**

July 2006

1 - RESULTS OF THE INQUIRY AND CONCLUSIONS

1 - 1 : Accusations held against ACF

1 - 1 - 1 ACF Human Resources Management of Akha ethnic minority

Results

Accusations held against ACF as regards ethnic minorities management concerned only the Akha population, which is the most important in the Luang Nuantha province. Other minorities, particularly Kwi and Hmong, are also present in the province and amongst ACF staff. (1 Kwi House Education supervisor and 1 Hmong driver)

Elements of answer	Accusations
<p>Persons who can speak Akha language without being born in the Akha minority are very rare. Though currently no expatriate ACF staff speaks Akha.</p>	<p>« No one on their staff (ACF) who is white speaks any Akha »</p>
PARTIALLY ERRONEOUS ACCUSATIONS	

<p>With equal competence, Lao, Akha and Hmong staff members are equally paid. The salary scale takes into account the level of studies to determine starting wages and promotions. So Akha staff suffers the consequences of its lower training level.</p> <p>Indeed, wage level depends on the level of studies. Lao interpreters (French or English) spent 4 or 5 years at the university while Akha interpreters didn't go to the university. As a matter of fact, Akhas generally don't attend school at all, they are generally illiterate and most of those who speak Lao have learnt it while in the army, around 18.</p> <p>An Akha/Lao interpreter starts with wages 2 to 3 times lower than an English/Lao or French/Lao interpreter. For comparison, 2 Akha interpreters were hired in 2003 with monthly wages between 80 and 90 dollars, while 2 Lao interpreters hired in 2003 and 2004 were paid between 225 and 250 dollars. Akhas' wages are indeed at the bottom of ACF-Laos salary scale. But these wages are similar to those of Lao technical staff. Cleaners are paid the lowest wages.</p> <p>As a matter of fact, the 2 Lao interpreters have been promoted, one as a logistic assistant and the other as an administrative assistant, both with 300 dollars wages. In the same time, one of the Akha interpreters has been promoted too, but to a lower level of responsibility, and perceives now 130 dollars wages, which is equivalent to Laos in the same position. The other Akha interpreter is now paid 104 dollars, which represents the same progression as for a Lao road technician who started at 89 dollars and is now paid 104 dollars.</p> <p>An other member of the ACF staff, from the Kwi minority, with higher education, is employed as a supervisor with 294 dollars wages, which is equivalent to the other Lao supervisors' wages. The Hmong driver is paid 140 dollars, which is more than his Lao colleagues (108 to 115 dollars).</p> <p>Furthermore, ACF hardly finds competent staff agreeing to work in Long, and has developed a hiring policy favouring English or French speaking young people who will be quickly able to accede to other responsibilities. This choice can explain that more attractive starting wages are offered to Lao interpreters.</p>	<p>"Akha staff are paid the lowest wages despite the fact that they speak two languages. Non Akha staff are paid double or above what the Akha are paid."</p>
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Among the other accusations brought against ACF staff, the following appear : "ACF has close to 90 staff members in the Muang Long district. No one can explain the excessive numbers." "ACF staff get well paid".

73 persons currently work in the Long base and 2 others in the Luang Namtha base (but there have been up to 86). ACF admits that this is indeed a high number compared to the number of other actors working on the same ground. In accordance with the principles of the ACF charter (« open and direct access to the victims, professionalism »), ACF chooses to carry out its activities in villages from start to finish to insure the quality of the finished work, rather than subcontract part of the work to external companies. This choice implies a large staff. ACF adds that subcontracting part of its activities would allow to reduce the wage bill as asked by district authorities and backers.

Furthermore this situation allows a high number of people to work and eat.

Elements of answer	Accusations
<p>Updated job descriptions for all employees mention that : « Due to the specific work of ACF, all ACF employees may be requested to stay at the project disposal for any extra duty related to the program (example : load and unload material, cement, ...) ». So Akhas are sometimes required to carry concrete and construction work, in the same way as Laos are. Still, an expatriate points out that his predecessor drew his attention on the fact that Laos sometimes tried to offload those supplementary tasks onto Akhas. Therefore he now makes sure that everybody takes part in these tasks, setting an example himself. Akhas are predominantly occupying low level posts because of their low level of competence but they are not recruited to accomplish the hardest mental tasks. Most of them are interpreters, which is a physically easier post compared, for example, to Lao technicians.</p>	<p>"Akha staff are required to do the hardest mental tasks (carry concrete, construction work)"</p> <p>There are no Akha women on the ACF staff in the Muang Long District</p> <p>ACF faces difficulties in recruiting more Akhas women, because of their low level of education (very few speak Lao), and because of pressure often put on them by husbands who don't want their wives to work. In April 2006 there was no Akha women in the ACF staff. But there used to be Akha women, particularly in the Sanitarian Education team, who had left ACF at that time. Since then, an Akha woman has been hired in July as an Health Education Supervisor Assistant with starting wages of 190 dollars.</p>
<p>Among ethnic minorities in the ACF staff, only one Kwi occupies a post that leads him to supervise 3 people. No Akha staff members has yet reached management posts implying managing a team. However, the Akha staff benefit from internal promotions. Many translators became technicians, all Akha interpreters in the Health Education team became educators, one Akha interpreter became a Field Team Leader and another is now in charge of the Water Supply Maintenance.</p>	<p>Akha staff are not allowed to climb up to the NGO management levels. "Hill tribe...are not allowed to take senior administrative positions". posts implying managing a team. However, the Akha staff benefit from internal promotions. Many translators became technicians, all Akha interpreters in the Health Education team became educators, one Akha interpreter became a Field Team Leader and another is now in charge of the Water Supply Maintenance.</p>
<p>ACF tries to recruit more Akhas but is confronted with their low level of competence. However, ethnic minority people made up 15% of the ACF staff in 2005, and 18% in Muang Long district. Only 10 staff members are Muang Long District is Akha".</p>	<p>"ACF has close to 90 staff members in the Muang Long District. Only 10 staff members are Muang Long District is Akha".</p>
<p>The Akha staff takes part in ongoing training actions in the same way Lao staff does. They recently attended English and computer training. An Akha staff member points out that the certificate he obtained following computer and irrigation trainings are the highest prides his work for ACF gave him.</p>	<p>"Akha staff are not provided with ongoing training education"</p>
<p>Akhas benefit from exactly the same reimbursement of medical expenses than the rest of ACF national staff, that is to say a maximum of 100 dollars per year (on presentation of invoice).</p>	<p>"Akhas are not provided with any health care benefit"</p>
ERRONEOUS ACCUSATIONS	

Concerning the high level of wages, ACF wages are in the average of wages paid by the other NGOs operating on the same territory (GTZ), or below (EU). See "Risques d'abus de pouvoir, état des lieux des pratiques de Gestion des Ressources Humaines envers le personnel national" [Risks of power of abuse, report on the practices of Human Resources Management towards national staff].

□ Conclusions

The accusations brought against ACF concerning Akha staff management rest on interviews led by Tomas Ryska and Matthew McDaniel with Akha ACF staff members. These members, not knowing who they were talking to, certainly didn't have all the necessary information to answer the various questions, particularly in terms of comparison with how the Lao staff is treated. An interview with the ACF executives would probably have avoided some mistakes.

Most of the accusations are partly or totally erroneous. They just shed light on the specific difficulties encountered by the Akha staff in terms of promotion and lead to the following recommendations (to be completed with the HRM Report recommendations):

□ Recommendations :

- Establish a policy of staff Carrier improvement based on their individual training needs. Study the means to provide specific answers to the special needs of ethnic minority staff members.
- Ensure that all ACF staff members benefit from the assessment procedure (see HRM Report)
- Reconsider the ways in which the degrees (or their absence) is taken into account in the classification system of the different jobs. It would seem logical to apply a same level of wages to all employees at the same level of responsibilities.

1 - 1 - 2 The procedures of allocation of mosquito nets in the villages

The accusations regarding the allocation of the mosquito nets were the following : "ACF refuses to provide free mosquito nets. This despite the fact that ACF in their own reports place mortality rates after relocation as high as 20-50% of village populations in the 1st year ... Mosquito nets are approximately \$1 dollar each and are the most cost effective way to prevent malaria".

According to the information collected in the villages and corroborated by ACF, it is true that the mosquito nets are not given and are to be paid by the villagers. The villagers explain that the cost of the big ones are 12 000 or 13 000 kips each and the small ones are 6 000 kips or 7 000 each, which are approximately the prices mentioned in the accusation (1 dollar = 10 000 kips). The receipts are kept by the head of the village for a collective solidarity relief fund which is to be used for villagers meeting difficulties. This procedure is set in order to raise villagers' awareness regarding the importance of mosquito nets. According to the villagers, there is no problem with this procedure. Only one village (Taphaimai) which says that "thanks to the mosquito nets, there are no more dead", mentions that new families arriving in the villages are not provided yet with the mosquito nets.

There are no recommendation regarding the allocation of mosquito nets since the procedure is working fine.

1 - 2 : Accusations held against ACF national staff

➤ No generalized practise of sexual abuse

Collected information allows to conclude that there is no generalized practise of sexual abuse committed by national ACF employees in villages benefiting from ACF actions in the Muang Long district. There is not even a suspicion of the existence of such abuse.

Only 2 of the 10 villages (20%) visited by Batik Int. report sexual relationships between village girls and NGO staff. In one of those two villages, Tao Home, the implicated staff is clearly from another NGO, and in the other, Chakanlam Long, there is only a suspicion of ACF implication. One testimony from another village, Paylouang, implicates an Akha translator, and this accusation is not corroborated by the rest of the village. The number of denunciations doesn't reach the rate set beforehand, when the investigation methodology was decided, to acknowledge the existence of a generalized practice of abuse. Lastly, it has been difficult to cross-check the different testimonies sources as planned in the methodology because the implications didn't necessarily concern the same village.

Therefore, the accusations expressed by T. Ryska et M. McDaniel after collected filmed testimonies were transcribed, implying that 7 persons out of 10 ACF employees would regularly sexually abuse girls in numerous villages, are groundless. Furthermore, one might question the credibility of one of the filmed witness implicating ACF, a village elder who says he saw the situations he exposes. When asked « Did the Akha girl come to you and say she was raped ? », he answers « The girl doesn't say anything but I see it ». But several persons interviewed by BATIK Int., who described Akha sexual customs, say that it is very unlikely that a village elder can witness such situations.

➤ A few cases of suspicion of individual sexual abuse

Apart from the sample of 10 villages visited by BATIK Int., statements made by third parties or by some ACF staff members mention a few other cases of sexual relationships with village girls, among which some happened before 2004.

The village of Dongneng, mentioned by a third party, did not benefit from ACF programs. Chaleunsai did benefit in the past from ACF programs (2000-2001 Water Supply and Health Education ; 2002-2003 Health Education with new relocated persons). Since that time, the village has been taking part in a Food for Work program, and no ACF staff is hosted in the village. One ACF staff married a woman from this village.

Cases of sexual relationships acknowledged by the ACF staff are very rare. 8 out of 15 interviewed members of ACF national staff say they don't know or have not heard of sexual relationships with residents of villages benefiting from ACF action. It must be pointed out that the ACF staff members have not been officially informed by their head management of the accusations levelled against them, unlike NCA which chose to discuss them openly with their staff members after having been implicated by the same persons. Some interviewed members of the staff say that Andrew Mitchell spoke about it when he came from ACF Paris in April, some others, on the contrary, say he didn't speak about it. Obviously, communication is not easy.

Apart from the cases mentioned in the charts, a few other cases, previously brought to light during the counter-enquiry carried by ACF in May of 2006, have been mentioned.

Concerning sexual relationships with village girls, the interviewed staff say that persons more likely to commit such actions would be :

- Akha staff, because they are surrounded by their traditional culture, because members of their families sometimes live in those villages, because they stay for a long time in the village. They would also be harder to control as they speak the village language that co-present national staff can't understand, and because they are the ones that spend the night in other houses when there is not enough room in the chief's house.
- Technicians with long lasting stays in the villages, including Lao staff members but particularly Laos coming from the same province and having already been close to Akhas.

Drivers are not mentioned as being more likely than others to have sexual relationships with village girls, because they don't stay in the villages.

With the exception of the administrative staff, most of the staff members are regularly in contact with the villagers and could start up relationships with village girls. For all that, they don't share the same level of power and therefore some are more likely than others to exercise abuses of power :

So, however few, there is some **suspicion of individual practices of abuse**, against girls of the villages that benefit from ACF programs, possibly committed by ACF staff, based on statements made in Chakantam Long and Payalouang villages, **but once again without certainty about ACF's responsibility.**

Those could **not be described as sexual abuse**, which the accepted typology defines as « a consented sexual relation between an ACF staff and a minor (less than 15) » **but as power abuse** : « a consented sexual relation between an ACF staff and a person over 15 benefiting from ACF action».

Some of the expatriate staff who admit that, in such circumstances, the employee very clearly breaks the ban promulgated by ACF, do question the notion of "power abuse", particularly in the case of sexual relationships between Akha staff with village women.