

Observations on an aid-worker sex scandal in Laos:

A brief analysis of the Norwegian Church Aid report on allegations of rape and sexual misconduct by their staff in Meung Long district.

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In 2006, two charitable, non-government organizations (NGOs), Norwegian Church Aid (NCA) and Action Contra la Faim (ACF), commissioned inquiries in response to allegations of sexual misconduct and improper arrogation of food from targeted communities presented at the U.N. Permanent Forum on Indigenous Issues, and also published on the internet. The article following provides some reflections on the contents (and omissions) of the first of these reports issued to answer the allegations, titled Investigation of alleged sexual exploitation and abuse of Akha girls and women by Norwegian Church Aid (NCA) in Laos, conducted by Kristin Ingebrigtsen and Dr Chris Lyttleton.

§I.

Both in academic writing and in the practical implementation of state policies, the “development discourse” has assumed an ambiguous position between the imposition of national and international legal norms on the communities targeted for development, and the valorization of the target community’s (indigenous) ethical values as legitimate, independent of (and in contradistinction to) outside, hierarchical authorities. While this “discourse” has proliferated a small literature on anthropological and practical questions of the conflict between local (often tribal) morality and “modernity” (a term variously used to indicate those who would intercede in traditional societies on behalf of industrialization, either in the form of western development agencies themselves, or government programs with a development agenda), there is often a willing ignorance as to how these intersecting ethical standards (and cultural assumptions) might apply to development employees themselves,¹ as can be observed in the present example.

The report entitled *Investigation of alleged sexual exploitation and abuse of Akha girls and women by Norwegian Church Aid (NCA) in Laos* makes extensive use of an anthropological interpretation of indigenous ethical standards in order to relativize the sexual misconduct² of their own employees, and those of other charitable NGOs active in the same 26 villages (particularly, *Action Contra La Faim*, ACF). The report argues that those who posed the accusations against their employees failed to understand the cultural background of Akha social mores, and that, if properly understood in this context, the conduct of their employees does not constitute rape, nor sexual exploitation. This is a highly sophisticated alternative to blaming the victim: it is a complicated claim of situational ethics that is, *prima facie*, astonishing in its boldness, given that it is being argued in defense of the employees of an international charity buying and coercing sexual intercourse with children³ (15, 16, 17 years old) in the communities they are presuming to “develop”.

At its most basic, this line of argument presumes that the ethical standards and mores of Akha (tribal) communities apply equally to outsiders employed in the roles of aid workers and devel-

¹ Cf. Ken Kampe, “The Culture of Development in Developing Indigenous Peoples”, in: Don McCaskill & Ken Kampe, eds, 1997, *Development or Domestication?*, Silkworm Books, Chiang Mai.

² The misconduct is partially conceded, partly treated as alleged but unproved, and, more often still, discussed in terms of its probability (as “likely” or “unlikely”) in the pages of the report.

³ The report accepts the legal definition of “child” as a person under the age of 18, and provides a lengthy quote from the United Nations’ Convention on the Rights of the Child.

opment professionals. This is a flawed assumption for various reasons discussed in the present paper, but, as a general and prefatory remark, we may say that outsiders (in any social system) cannot enjoy the benefits of membership in a community without accepting correlated responsibilities to that same community.

This issue is illustrated by the case (admitted in the findings of the report)⁴ of an NCA Project Coordinator who impregnated a local woman and was then dropped from the project, apparently abandoning the mother and (presumed) infant (*viz.*, the possibility of abortion or miscarriage is not mentioned). The report neither makes any mention of the consequences for the mother, nor the apparent lack of consequences for the absentee father. As NCA did not have any code of conduct in place when the episode occurred (in 2002), nor required their employees in the area to sign any agreement on sexual or moral conduct, it seems that “getting rid of” the employee was little more than an attempt to eschew the kind of scandal that did, eventually, arrive with the accusations published on the internet in 2006. The “unwanted” pregnancy (*viz.*, unwanted by the NCA in maintaining its own public image; the mother’s feeling are not reported) did not result in the passing of any effective code of conduct. On the contrary, the first attempt at issuing such a code of conduct was “introduced... [at] the end of May, 2006”,⁵ apparently in response to the same accusations that instigated the investigation itself (*viz.*, NCA being alerted to the possibility of a scandal two months earlier, when those making the allegations followed up their interviews of March, 2006, by contacting the head offices of the salient aid agencies in Vientiane). Even the latter, new code of conduct is indicted by the report as grossly inadequate.⁶

It is a remarkable methodological assumption that would allow an outsider’s conduct to be judged purely relative to the “host” community that he or she insinuates him-/herself into on a short-term basis (in this instance, contracted development work --although the same argument would apply equally to a visiting tourist). Such an approach would (and the report manifestly does) overlook any possible pertinence of such a visitor’s obligations to national law. In this instance, the laws in question are those written by the Communist Party of Laos, under the influence of a 19th century European philosophy (*viz.*, Marxism), and are at least as discrete and alien from the sexual mores of an ethnic minority such as the Akha as the laws of the donor nation supporting the charity (*viz.*, Norway). However, such considerations are not admitted as part of “the socio-cultural background from which the allegations of rape have been made against NGO staff in Muang Long”; only the investigators’ assessment of the norms of dating within teenage (Akha) peer groups are admitted as evidence in this respect.

⁴ *Op. Cit.*, Findings, sec. 2: “Two cases of sexual relations concerning NCA affiliated staff were disclosed. In 2002 a District education coordinator affiliated with NCA had a relationship with an Akha woman that resulted in pregnancy. He was immediately removed from the project and returned to his Government post. Another example occurred in Soploi sub-district when a student intern began an ongoing relationship with an Akha woman in 2003; this was not reported to the national director and nothing was done to terminate the relationship which ended when the intern returned to his home province.”

⁵ *Op. Cit.*, Sec. 6.4

⁶ *Op. Cit.*, sec. 6.2-6.10: “Only incoming staff since May 2006 are required to sign this document. ...Government staff affiliated in a long term fashion and whose salary is paid by NCA, receive a verbal orientation but to date have not had to read or sign any code of conduct document. To date, other affiliated staff, such as counterparts, laborers and consultants receive no orientation to a code of conduct whatsoever. ... Misconduct of the type that might warrant the warnings above is not always reported to the national director in Muang Long. Such cases are never reported to head office in Vientiane. There is an inadequate monitoring system that verifies the code of conduct is being followed. Akha villages in the project area are not made aware of the project guidelines for ethical conduct and therefore have no imperative or basis upon which to report evidence of misconduct.”

There is a chilling lack of any reference to either the relevant laws of the Lao People's Democratic Republic ("Laos") in the report, or to the possibility that employees of a foreign organization might be held accountable to the laws or ethical standards of the donor nation. The report's insistence on evaluating the alleged sexual (mis-)conduct of foreign NGO staff purely in terms of an anthropological evaluation of what is supposedly "normal" for Akha teenagers (in other teenagers within the community) is a fundamentally flawed approach that rather pre-determines the outcome of the investigation.

§2.

To presume that significantly older, much wealthier outsiders can be evaluated as "normal participants" in sexual terms that Akha teenagers apply to other Akha teenagers is absurd for many reasons, but one reason in particular is tacitly admitted in the report. The supposed "normalcy" of pre-marital sex among Akha teenagers is (as the report states explicitly) part of the process of selecting a partner for marriage: there is no moral equivalence between such a process (of "dating", in Western terms) and the demands for sex (in exchange for money) made by transient NGO and Government development staff "every few months to 2-3 [times] per month, sometimes more when a large number of labourers have been present". Simply put: these are not "normal" potential marriage partners for Akha women, and so (even if it were for that reason alone) they cannot be fairly described as engaging in a traditional Akha courtship by any stretch of the imagination.

Given the small size of these communities,⁷ and (therefore) the small number of unmarried, teenage females that are being pressed into service (by the various means admitted by the report, and, possibly also those alleged in the accusations but not admitted by the report) it can hardly be pretended that "2-3 [times] per month" is an insignificant intrusion into the sex lives of the generation of Akha now growing up in the region. On the contrary, it would seem to be a decisive, and highly exploitative, intervention of moneyed outsiders, preying upon the youth of some of the poorest and most desperate people in the world.

The report does not question whether or not these relations satisfy the legal category of prostitution (cf., §5, below), nor the legal definition of statutory rape, nor child prostitution (all of which are definitions resting on national and international law, rather than Akha tradition). Instead, the investigators press their case for the cultural relativity of the concept of coercion, and insist that those making the accusations fail to understand the ethics of Akha society as well as the investigators do:

There seems to be confusion in the video interview data concerning this facet of Akha culture. In the past, the head of the male youth group might have verbally threatened the young woman if she declined to accompany the outsider male. It remains the case that young women are pressured to accompany a designated Akha male to a sleeping quarter... It is not the visitor that applies this pressure, but the local youth leader – this is where the transcripts seem to misrepresent the situation, as uncovered by the investigation team. [Op. cit. supra, sec. 4.3]

Although a casual reader might not notice, the investigators' claim here is not that Westerners making accusations on behalf of the Akha are "confused" about Akha culture, but that the members of the Akha people themselves who provided the videotaped testimony referred to are the ones who "seem to misrepresent" their own mores (whereas the Westerners who conducted the investigation are supposed to have it straight). To buttress the claim that coercion

⁷ Stated by the report as a population of 14,000 distributed into roughly 60 villages.

is never directly applied by outsiders seeking sex (a point refuted in §3, following), but only by the “youth leader” (who is paid by the outsider for this service on his behalf, cf. §3 & §5), the report tries to explain that this social system has “evolved” in response to suitors from outside the community, and will not exercise coercion for them (as they did “in the past”, quoted above):

Importantly, in all villages the investigation team was told that the youth group might still apply pressure for a chosen woman to accompany an Akha visitor, but as the system evolves to incorporate potential relations with non-Akha this coercion will not apply when she is asked to accompany an outsider. ... In summary, we find it unlikely that the non-Akha would be able to exert coercion via threats to the young girl directly as reported in the transcripts. [Ibidem: findings, sec. 4.3]

The legal and moral significance of accusations made in videotaped testimony from members of the effected community are thus dismissed by first claiming to understand the host community’s culture better than those making the accusations do (including indigenous members of the community themselves), and, secondly, asserting that the cultural traditions of the Akha have evolved a protective role that excludes outsiders from taking advantage of the young women. As we shall show presently, the opposite seems to be the case, and, in the words of one of the very authors of the NCA report, “[Men] no longer have to get approval from the head of the adolescent group, but rather financial arrangements can be made directly with the chosen girl”, and “the traditional system has changed to allow direct sex-for-cash transactions”. [Quoted and cited in full below]

§3.

There is an unseemly contradiction when considering the report’s willingness to assume that no direct coercion of the young women is involved in these transactions in light of the observation of precisely such coercion described in another report by one of the same authors (Dr Chris Lyttleton). The NCA report states:

The interviewee data ...suggests that the NGO staff directly approach and threaten the girls if they do not accompany them for sex. We find no evidence of this practice and find it highly unlikely. With the exception of one or two roadside villages, the traditional system whereby all sexual relations with young unmarried women must first pass through the male youth group is adhered to in all villages. In fact, the woman and her partner are heavily fined if they do not pursue the appropriate channels and gain the youth group’s permission. [Op. cit. supra]

Note that, first of all, the basis for finding coercion “highly unlikely” is the assertion of the strength of the institution of the teenage boys serving as the entrepot for such encounters, and enforcing their exclusive right to haggle over the price, rather than allowing the young women to prostitute themselves directly. The significance of this argument, therefore, hangs entirely on the word “directly” in the denial that “NGO staff directly approach and threaten the girls if they do not accompany them for sex”; this would seem to be an excessively sophisticated way of admitting that indirect coercion is the norm, and that the young women are indeed being sexually exploited by NGO staff, even if it is “unlikely” to be without the services of a “pimp”. Leaving aside the question of whether or not the above quotation can be considered more as an admission of one crime or a denial of another, we find from another source that one of the authors of the report has extensive, direct experience to the contrary:

Following the arrival of watermelons, commodified sexuality has now also entered the list of negotiable income-earning relationships in which the Akha can engage. This transition to commercialised sex has been taken further in Donyeng, an Akha village on the edge of the road slightly nearer

to Muang Long town. Here, Chinese men and government workers show up regularly looking for sexual relations – here they no longer have to get approval from the head of the adolescent group, but rather financial arrangements can be made directly with the chosen girl.

Variations on this trend of money for sex are not only present in villages with women who provide labour or those located right on the road. Rather we see far more widespread transformations in local sexual customs occurring in synch with other forms of social change in a number of contexts. For example, in another village about 12 kms outside Muang Sing town, that has had an actively entrepreneurial headman and regular visits from tourists for some years, the forms of sexuality are also evolving under the sway of the cash economy. Here, young women somewhat concerned at their lack of autonomy in receiving male guests, have adopted a new strategy of negotiated compliance. Nowadays, it is no longer satisfactory that the leader of the youth group receive the whisky or cigarettes as coinage for sexual access. In order to keep the young women compliant with the culturally traditional form of hospitality, money must now be paid directly from the guest to the young woman who will receive him sexually... the traditional system has changed to allow direct sex-for-cash transactions. ...

During the research period in early 2004, when our team slept for nearly one week in the village [of Phonsamphan,], between 10 and 20 men would show up each evening. ... It is not clear that in each instance any man visiting the village gains immediate sexual relations. Sometimes some level of courting is required – but how much varies. Villagers suggest that men can gain ready access to their young women; this is not seen as problematic and the men are not proprietorial of their sisters or daughters (until they get pregnant). Chinese men also come frequently, sometimes they were observed literally grabbing young women and expecting immediate embraces.

... Some of these men are local, for example the neighbouring Akha; others come from far further afield, for example Lao men from distant provinces and Chinese men from widely diverse locales in southern China. Ban Phonsamphan is therefore acting as a sexual melting pot, in effect almost a brothel, for men who want 'exotic' and free sex.

...[T]he women themselves have limited control over their sexuality. Cultural norms encourage rather than discourage young women from accepting offers. This is the context that numerous men are taking obvious advantage of. Whereas in the Akha villages there is still a sense of male-determined appropriate versus inappropriate sexual partners (although this is changing along with the addition of money in these exchanges)...

[Chris Lyttleton, Paul Cohen, et. al., 2004, *Watermelons, bars and trucks: dangerous intersections in Northwest Lao PDR*, Lao Institute for Cultural Research, p. 85-88]

In many ways, the situations that Lyttleton (et. al.) described in their 2004 report among the Akha and other ethnic minorities are closely comparable to the alleged cycle of sexual exploitation that instigated the 2006 report on the activities of aid workers, in precisely the same area of Meung Long, along the highway west of Meung Sing. The difference between the descriptions is normative: the quote above (from 2004) includes the blunt statement that the situation is “in effect almost a brothel”, and that outsiders can be observed sometimes directly coercing, and “literally grabbing”, the young women and girls; no such language is found in the 2006 report. Moreover, the 2004 report frankly admits that the determination of “appropriate versus inappropriate sexual partners” by the teenage males (in their supposedly protective, rather than exploitative, role) on behalf of the young women “is changing” due to the corrupting influence of the cash economy. What was true in 2004 is also true in 2006, but, in order to exculpate a Western aid from possible complicity in such a cycle of sexual exploitation, the

2006 report constructs a delicate argument upon an untenable assertion: that no direct coercion takes place, and that the teenage girls are “protected” (rather than “exploited”) by those who negotiate their price with visiting outsiders.

It seems to be rather dubious that the same author who co-wrote the description of widespread coercion and prostitution in 2004 could come to the exculpatory conclusion that “In summary, we find it unlikely that the non-Akha would be able to exert coercion via threats to the young girl directly as reported in the transcripts,” just two years later. The cases “reported in the transcripts” would not seem to be at all “confused” about Akha tradition in the context of its current engagement with the values of industrialized society, but, in fact, they seem to be very much vindicated in their description of the general situation by Lyttleton’s earlier (2004) study: the testimony is consistent with the overall assessment of the corruption of traditional practices by outsiders, in some cases turning entire villages into, “in effect a brothel”.

§4.

As already mentioned, the NCA report proceeds from the assertion that those who have raised accusations against the aid workers failed to understand the Akha sexual mores of Northern Laos and, more specifically, argues that the misperception of sexual abuse on the part of those making the accusations can be attributed to their previous experience among the more debased or diluted Akha traditions of Northern Thailand:

His assumptions are incorrect. It appears his familiarity is with the Thai Akha system and this has changed dramatically in face of many years of missionization and state assimilation. Indeed, pre-marital multiple partner sexuality in this traditional fashion is rare amongst Akha in Thailand. In Laos, this (and prior) research confirms that Akha men and women do practice multi-partner sexuality from an early age. ...one young woman noted: “this is the only way we can find out if we like a partner”. It is a system predicated on providing the basis for marriage. [Op. cit. supra]

This line of argument is blatantly contradicted by the description of the general situation already quoted at length, as described by one of the same authors of the NCA report). Moreover, as has already been pointed out, if the validity of this system is “predicated on providing the basis for marriage” as the authors admit, it clearly cannot be extended to include aid workers on a temporary assignment to a village, who are paying (on a fee-for-service basis) to have short-term sexual access to teenagers. There is the further inconsistency in the report arguing both that the Akha sexual mores in Laos are inviolate and, relative to Thailand, unchanged, but at the same time supposing them to have recently “evolved” to exclude outsiders (quoted in §2, above).

It may be observed that “pre-marital multi-partner sexuality” is also accepted in Norway; however, this does not mean that Norwegians accept that older, foreign men can and should buy short-term sexual access to 15, 16, or 17 year old girls. It also does not entail that Norwegian donors to an (overtly) Christian charity would accept this behaviour from those they are remunerating to carry out a humanitarian mandate. The report never questions the salience of the ethical norms of dating within a teenage peer-group to the rapidly proliferating system of sexual exploitation (tantamount to prostitution) that Lyttleton described fairly enough in 2004.

The fact that Akha males have “traditionally” exchanged whiskey and cigarettes in the process of arranging a sexual partner with a visiting (unmarried) teenager from a neighboring Akha community is fundamentally spurious to both the situational ethics and applicable national laws that this inquiry ought to have considered as the “cultural context” for the development

workers themselves. We must ask how this assumption arose that the developers have no culture of their own, and can be judged by indigenous mores by default.

§5.

As has already been adumbrated in brief, the NCA report goes to great lengths to demonstrate that foreign NGO employees did not engage in “rape” (*per se*) nor direct “coercion” by representing their conduct as participation in a normal, accepted process within the host culture. On the basis of an anthropological assessment of what may be deemed “normal” for Akha teenagers in dating one another, the category of “normal behavior” is extended to include non-teenage, non-Akha development workers paying (or perhaps “bribing”) local teenage males to coerce local, teenage females into sex with the given outsider (and on the outsider’s behalf). The report is preoccupied with demonstrating that this conduct does not constitute “rape”; there seems to be no interest in relating this to the very harsh laws that Laos has against prostitution.

To return to the example of the (unnamed) NCA Project Coordinator, if we were to accept that his conduct, resulting in a local woman’s pregnancy, was “normal” relative to the standards of courtship prior to marriage in a traditional Akha community, why is the development worker is not held to account to those same community standards in being forced to marry the woman and raise the child?

Setting aside the dubious anthropology of establishing the “normalcy” of the act in the first place, why does the report present its inquiry in such a way that development workers are neither held accountable to national law, nor are treated as responsible for the consequences of their actions as defined by the local mores and customs that they seem to selectively exploit? In praxis, the wealth and mobility of these outsiders allows them to selectively benefit from permissive elements of any given host culture, and then to immediately abandon any responsibility to that same code of conduct as soon as they deem it convenient to do so. This is a cornerstone of the culture of impunity that pervades the development industry, predicated upon the disproportionate power that the emissaries of industrialization wield over their “hosts”.

It is fairly clear that even if the reader is willing to accept the report’s justification that even if the conduct described is not tantamount to “direct coercion”, it is at least tantamount to prostitution, and the argument serves to validate as “normal” what can only be a cycle of sexual exploitation. Whatever the anthropological assessment of tribal customs may be, the scenario being described involves older, wealthier outsiders buying the sexual favours of younger, politically powerless, impoverished women and girls; the report does not offer any convincing argument as to why the dating customs of Akha teenagers should be presumed to define acceptable conduct for non-Akha, non-teenage employees of international agencies, rather than the standards or ideals of the international agency itself, of the funding nation (in this case, Norway), or of the national government receiving and regulating the aid.

Although many European countries accept a legal role for prostitution in their own societies, the law of the Lao P.D.R. does not. Although many Western people regard prostitution as a harmless vice within their own societies, in the context of an aid organization providing assistance to persons in dire poverty and distress, it clearly establishes an exploitative relationship between unequal parties. Moreover, it is an unseemly contradiction of the stated goals of most humanitarian agencies: it is contradictory that a mandate for the “economic development” of a community as a whole should, at the same time, reduce a segment of that community to prostitution, denigrating youths to a position of economic dependence upon the “developers”.

Remarkably, the word “prostitution” does not appear even once in the NCA report, nor does the term “statutory rape.”⁸ Among the many inadequacies found in the agency’s code of conduct, it is mentioned in passing that the NCA’s Field Management Handbook contains an all-too-vaguely worded (and, apparently, never enforced) policy against staff engaging in “soliciting” sex.⁹ The closest that the report comes to the salacious issue of statutory rape is the obsequious recommendation that “NCA should strengthen the promotion of and adherence to the definition of a ‘child’ as everyone below the age of 18 ...” and prohibition of sex with minors “should be considered” in new guidelines [sec. 7.2 & 7.3].

There is no suggestion that the Lao laws against prostitution or exploitation of minors could or should be applied to aid workers in such cases, nor that the senior staff of NCA have an obligation to report sex with minors to the police.¹⁰ The latter could, of course, entail an obligation for the aid agency to testify before a Lao court against their own employees, with long jail terms in third-world prison conditions ensuing for those convicted. This vital part of “the socio-cultural background ... [for] the allegations” seems purposely omitted: there is no recognition that, on the one hand, these are serious, criminal offenses (that aid workers have the power and, perhaps, the obligation to report and prosecute), and, on the other hand, that any possibility of conviction is generally precluded by the assumption of legal impunity for developers, arising partly out of their close cooperation with local government authorities (that can easily evolve into collusion).¹¹ The entire focus of the recommendations is to elaborate the agency’s code of conduct and internal reporting system, but is it ethical for such an agency to address such violations “internally”, or is there a moral responsibility for “reporting” to include reporting to the host community themselves, or, indeed, to the police?

§6.

There is a problematic assumption in the report’s decision to proceed from a definition of “rape” to the conclusion that “no rape occurred”; as has been already pointed out in relation to the crime of prostitution, a very different conclusion would be arrived at if the problem were posed in more general terms. For example: “Did any illegal, sexual misconduct occur?”

⁸ The full text of section 6.11 reads as follows: “There is no discussion of international rights of children in the above context of sexual interactions with females under the age of 18.” Although this is meant in reference to the “the current guidelines and code of conduct” for NCA employees, it could be said of the report itself, which simply insists that it is “unlikely” that this has occurred with NCA staff to date.

⁹ *Op. cit.*, sec. 6.3, “... ‘the employee will not accept nor solicit sexual services neither during nor after working hours’. This statement is clear in its intent but badly worded insofar as the term sexual services is not defined and could be taken to technically imply no NCA staff can have sex while in the employ of NCA. The document (updated in January 2005) has been translated to Lao and copies are available for all employees. But according to the Country Director some elements of a longer Code Of Conduct were omitted from translation.”

¹⁰ Note the dismissive tone with which national laws are mentioned in passing in section 6.7: “The Lao Government has statutory legal sanctions concerning criminal behavior, but in the instance of Muang Long there are no specific prohibitions concerning sexual relations with women in local communities.” A more sober and specific reckoning of these “legal sanctions” alluded to in passing would certainly be in order if the investigators had thought there was any real possibility (or fear) of development workers serving long sentences in a Laotian prison.

¹¹ I would note in passing that any foreigner to enter into a connubial relationship with a citizen of Laos (outside of or prior to legal marriage) is guilty of a crime that carries a US\$2,000 fine for the first offense. It was reported to me by a consular official that this law is strictly enforced in certain quarters of Vientiane, where the palatial residences of embassy staff and expatriates are routinely raided, raising considerable funds for the Ministry of Public Security. The culture of the expatriates in Laos generally assumes an attitude of indulgence and mutual-protection against such laws; I am sure that most employers would never have thought of actually complying with such laws and reporting their employees to the police --quite the opposite is the norm.

This simplification and narrowing of the objective of the investigation (into a binary test for “rape”) is reflected in the report’s reduction of the accusations themselves:

The crux of the allegations against NCA centres on the premise that all sexual relations occurring between non-Akha and Akha women are coerced and abusive. The videotaped interviewees in both instances indicated that NCA and ACF staff request that young women sleep with them. As above, the investigation finds this is possible although it is unclear whether the men are NGO employees or independent Government staff. However, in no instance was data concerning direct abuse made evident. [Ibidem, sec. 4.0]

Thus, “the premise” of coercion is negated by the fact that the accused are said to merely “request” sex, and so there cannot be any “direct abuse” as defined; this is a gloss that omits the all the questions of prostitution, statutory rape, economic inequality and moral transgression of the stated purposes of “aid” and “charity” that the present paper has tried to highlight.

The report presents the problem as one of trying to satisfy a definition of rape, given certain “evidence” (viz., indirectly reported testimony, translated first from Akha to Lao, then from Lao to English, by the investigators visiting the villages) against a background of Akha “tradition” that is applied rather spuriously to the situation of aid workers in these communities. We may reverse the bias of the report’s casuistic reasoning if we simply examine the same “evidence” to ask if the practice described therein can instead satisfy the definition of “consensual sex between adults”. Clearly, it cannot: the same arguments that the NCA report employs to disavow “direct coercion” can equally prove the lack of “direct consent”, and the report accepts that the charges concern the exploitation of teenage girls, not yet legal adults.

The supposedly exculpatory value of the posited “context” of Akha mores and traditions now becomes all the more damning: these children are not initiating sex with the wealthier, older, strangers who are approaching them, but are (in the various scenarios described) clearly having their right to consent appropriated by others, and sold.

§7.

It is especially disturbing that the report offers the further claim that the system of “indirect” coercion (viz., outsiders paying teenaged Akha males for sexual access to teenage Akha females) is not tantamount to rape by theorizing that “traditionally” an Akha female (whose company has been bartered off in this fashion) reserves the right to flee her suitor, or to call on the same male who just “sold” her favors to defend her against unwanted advances:

*Based on our investigation, it is apparent that there are many instances when the woman will decide the man is not to her liking and they do not have sex on these occasions. **If he, in turn, is too forceful with his attention she can leave (flee).** This is an accepted component of the male-biased system of providing men with opportunities to be with young women... [Ibidem, emphasis added]*

Apart from the obvious moral odium of denying (the likelihood or actual occurrence of) rape on the grounds that the victim “could have fled”, this argument is flawed because such outsiders are clearly not part of the “tradition” described.

The simple fact of the stark economic inequality of the parties engaged in such bargaining makes it unlikely that the bribed entrepot will function as anything other than a “pimp”, in American parlance. If a woman in this position did flee her rapist, she would then have to face down the entire circle of people involved in negotiating her sexual exploitation the next day: in

tiny, mountain communities, there is simply nowhere to flee to for those who do not have the resources to completely extricate themselves from the tribal society they depend on to support them.

§8.

For the employees of foreign aid organizations to presume to derive the “benefits” of the ethical system of a host culture without adopting either the responsibilities or the risks of being a member of that community, is immoral.

This is a general principle with far reaching implications for all aid workers, and, indeed, all expatriates and even tourists.

It would not matter in the slightest if the local social mores of a given “host” culture were the most licentious imaginable: an outsider cannot presume to appropriate the host’s moral license if they are, at the same time, immune to any punishment under that same host’s customs. Setting aside whatever high moral claims development agencies and charities may make about acting “in the best interests” of their targeted communities, it is a palpable fact that they lack any responsibility to the indigenous authorities of those communities themselves, or local people generally, on the local people’s (autogenously defined) terms.

In the example providing the subject of this paper, it is shown that development workers can secure illicit sex by an appeal to a traditional authority that they themselves are in no way answerable to. In other words, they can manipulate permissive aspects of the host culture, while being in no way bound by the taboos and obligations that are incumbent upon actual members of the culture itself.

The investigators’ insistence that inter-cultural misunderstandings clouded the judgement of those making the accusations is especially ironic when we consider that a crucial part of their exculpation of NCA relies on just such a misunderstanding:

Based on the information given by villagers, it has been impossible for the investigation team to determine whether these requests for sexual partners come from direct NCA staff, co-ordinators, contractors, counterparts or independent Government employees. Most villagers do not make these distinctions and lump all non-Akha Lao into the same category (panakgarn). [Ibidem, sec. 3.2]

Thus, the investigators lament that they cannot determine with certitude which development agency exactly is paying the salaries of the development workers that some villagers report as requesting sex with their daughters due to this untranslatable inter-cultural misunderstanding.

The investigators put themselves in a position to simply regret that they can go no further than to state that it is “unlikely” that the particular agency they are commissioned to investigate is at fault. This defense would be equally valid for any one development agency in the region, if treated singly. If regarded collectively, they are all at fault: one development project or another must be employing the numerous aid workers that are driving this cycle of sexual exploitation, and demanding sex in the villages.

The full text of the report presents a complicated argument resting upon carefully defined assumptions (many of which this paper has sought to expose as untenable); however, it is not a whitewash. The problem is that when its conclusions are massively simplified and presented in a one-page press release, they do become a whitewash:

The main findings in the report are that no evidence of sexual misconduct or abuse was found, but that it is possible that occasion [sic.] sexual relations have taken place between staff employed or affiliated with NCA. The report relates the main findings to a complex social structure, cultural traditions and various relations concerning power amongst the Akha in Muang Long. [One-page press release distributed with the report, no stated author]

Is it really accurate to say that **no** “sexual misconduct” was found? On the contrary, the most decisive finding of the report must be this:

In each village where interviews were conducted, it was acknowledged that Government/NGO staff do come to request sleeping partners occasionally. It varied between villages from once every few months to 2-3 per month, sometimes more... [Op. cit. supra, sec. 3.1]

What this passage refers to as “requesting sleeping partners” constitutes sexual misconduct under several headings, according to the report’s own admission, namely: the NCA’s own manual prohibiting of “soliciting sex” (sec. 6.3, cf. §5, fn. 9, above), national laws against prostitution, and both national and international laws against statutory rape (*viz.*, sex with minors).

It would seem to be more fair to say, in summary, that the report describes **widespread** and **constant** sexual misconduct by development workers, with the proviso that the investigators were unable to identify specific NCA employees (among those 2-3 development workers per village per month) that were sexually involved with locals –except, of course for the two cases that the report admits, one of which resulted in pregnancy, as mentioned.

While the investigation goes to great lengths to discredit the accusers (by claiming that they fail to understand Lao Akha culture, etc., as shown above), the fact remains that those who have leveled the accusations have gotten the results that the earlier, pregnancy scandal of 2002 failed to inspire. The passing of a new code of conduct is the most obvious institutional response to the public humiliation of having such accusations and testimony posted on the internet, and represented at U.N. Permanent Forum on Indigenous Issues, etc.; it remains to be seen what change this will entail in practice, if any.

Perhaps the most important “cultural context” for these allegations is simply this: that anyone with a website and a knowledge of the local language can now cast aspersions on an aid agencies and development workers if their conduct is not above reproach in the eyes of the local people they minister to.

This poses a new threat to the culture of impunity that developers tend to presume: the ability for target communities to complain about the conduct of developers to the world at large (albeit, through the medium of an English translator) from their own perspective (however so inter-culturally “confused” that may or many not be) has the real potential to heap obloquy upon those working under the aegis of international and charitable organizations.

Whereas the development discourse has tended to question the extent to which the conduct of those working as the handmaidens of industrialization live up to the well-worded ideals of their own mandates, the case studied in this paper instead concerns the complaints of indigenous peoples stating plainly that the developers do not live up to *their own* (indigenous) ideals. The NCA report construes complex arguments that the accusations are exaggerated by inter-cultural “misunderstandings” in trying to account for the “grievances” voiced, not only about sex, but also about the appropriation of food and lodging by developers visiting the

communities.¹² Ultimately, the rationalizations offered by the report on all these points are futile: if accusations from the members of the target community itself demonstrate that *they perceive themselves* to be suffering malnourishment because developers eat all of their best food, and that their teenage daughters are weeping themselves to sleep at night because of the sexual advances of outsiders, then that very perception of a problem by the indigenous people is (and should be) more important than the perceptions of developers.

To whom are developers answerable? The apparent answer to be drawn from this example seems to be that they are answerable to the assembly of public opinion represented by English-speaking readers of the internet much more than they are to their own “manuals”, “guidelines”, national or international law --not to mention the sensitivities of the target communities themselves.

¹² *Op. cit.*, fn 9: “The investigation also found that the provision of food during development work is an area with much room for misunderstandings and grievances. The NCA staff and their affiliates all have per diems when they are in the field. On most occasions this is used to buy food from villagers for their meals (if they are not preparing it themselves in the sub-centres). Occasionally, villagers invite staff to eat without expecting (or actively refusing) recompense. This is an important part of expressing sociality and cannot be readily refused. However at the same time it could be misinterpreted as imposing the burden on the villagers to feed staff. We heard that ACF staff does not have a policy of providing money for the food they eat in villages; this needs confirmation but adds to the confusion over responsibility for meals provided to staff when they are in the villages. In any event, policies could be strengthened and villagers made aware of the NCA guidelines.”