

## **Sex and Celibacy in the Poverty Industry:**

An analysis of a persistent misconduct scandal in Northern Laos involving the development agencies *Action Contre la Faim* and Norwegian Church Aid.

Eisel Mazard, Feb. 2007

### §1.

Bureaucracy is irrepressibly forward-looking. One might imagine that there would be a sombre, reflective tone at an occasion that draws together the executive officers from a panoply of non-governmental development agencies active in Laos to draw conclusions on a sex scandal that seems to implicate the entire development industry by association.

However, by defining the purpose of the discussion narrowly around the (purely procedural) goal of improving written codes of conduct, all eyes are fixed firmly on the distant horizon. The upbeat mood of a bureaucrat in the development industry is easily understood: every problem, in principle, offers the prospect of a new proposal, and new funding, to solve it.

An ethical problem is, from this standpoint, an occasion for a workshop --or a series of workshops --in both Lao and English, if sufficient funding is approved by partner organizations. At the latter prospect, everyone can express their optimistic approval.

An outsider might be thinking of the material consequences of the NGO misconduct in question; for example, the pregnancies admitted in the reports, and the ensuing abortions that they omitted to mention. In practical terms, how will the past decade of sexual exploitation (of the youths of targeted communities) by developers shape the perception of outsiders coming to “help” those communities in the future?

More generally, an outsider might be lamenting the expanding role of the sex industry in rural communities, and the odious role that these reports describe for the development industry at this juncture of local history, as the lives of highland tribes are increasingly commercialized, and their youths are increasingly sold into sex-slavery --be it at home (prostitution) or abroad (human trafficking).

But an outsider’s concerns do not intrude into this disciplined discussion of amending codes of conduct. The meeting was held Friday, January 26, 2007, in Vientiane.

### §2.

Among those who spoke at the meeting, one assumption seemed to be held in common: the accusations (presented to the UN Permanent Forum on Indigenous Issues) had been disproved by the investigations. Thus, with all due optimism, we were instructed to regard these accusations as an opportunity for preventative measures, new guidelines, and so on, but absolutely not as an occasion to admit or apologize for any wrongdoing. Given that all parties consider themselves above reproach, the source of the original accusations (Matthew McDaniel, who videotaped and translated witness statements from Akha villagers) was referred to with a definite lack of *noblesse oblige*.

Of course, were anyone to read the full text of the reports in question, they would find that they largely confirm precisely the same accusations --but rather present them in a different context, and with different definitions of key terms. “Sexual abuse”, for example, is defined as

something that only happens to 14 year olds (and younger children), not to 15 year olds;<sup>1</sup> and an untested assumption (that is simply declared) for the ACF inquiry is that all accusations of sexual misconduct concern “young women” aged 15 or over.<sup>2</sup> These two definitions would (if taken reciprocally) suffice to “prove” that no sexual abuse occurred, without the trouble of an investigation. There is something similar in the circular reasoning behind the NCA Report, seeking to establish that the means of coercion used are endemic, and so, “We did not identify any victims of abuse, unless we choose to describe their whole sexual system as abusive.”<sup>3</sup>

However, any reasonable person reading the ACF Report (as with the NCA Report before it) would have to conclude that it affirms the same grim reality that was described by the Watermelon Report<sup>4</sup> and, indeed, by the original accusations themselves --albeit through a veil of selective definitions and methodological assumptions that serve to exculpate the specific agency accused.

Methodology can prove to be every bit as definitive as the narrowing of terms (such as “sexual abuse”). The entire ACF “investigation” consisted of a survey of ten villages, conducted in ten days of field work, during the rainy season; the NCA investigation spent eleven days in the district. The annex to the ACF Report frankly admits that only a few daylight hours were spent in each village by the “reporter”, who would arrive “between 3 and 5 pm”, meet with the village authorities, and try to round up some village women and teenage girls for a series of interviews. These interviews, concerning extremely sensitive subjects (*viz.*, the range of local sexual activity with outsiders, including prostitution, statutory rape, coercion, and outright rape if applicable) were conducted by an ethnically and culturally alien researcher (Isabelle Devaux) relying upon double-translation (*viz.*, first from Akha to Lao, then Lao to French). The team would then depart the next morning before lunch.<sup>5</sup>

It is perhaps no surprise that this “reporting mechanism” discovered very low levels of sexual contact between developers and the youth of the target communities: the ACF report finds that only 20% of the villages “report sexual relationships between village girls and NGO staff” (p. 11). We can only surmise that the methodology is designed to fail, as the parallel NCA report, in answering the same question, finds a rate of 100%:

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<sup>1</sup> Batik International, Dec. 2006, *Counter-Inquiry on the Accusations Involving ACF within the Programs Implemented in the Meung Long District (Laos)*, p. 12 [distributed in Dec., 2006]; cf. p. 37 --henceforth cited simply as the “ACF Report”. The text arbitrarily constrains all questions of sexual abuse to children 14 or younger, whereas “young women” of 15 could only be victims of “power abuse.” This effectively sidesteps legal definitions of statutory rape, and of prostitution.

<sup>2</sup> ACF Report, pg. 3

<sup>3</sup> Kristin Ingebrigtsen, Dr Chris Lyttleton, et al, 2006, *Investigation of alleged sexual exploitation and abuse of Akha girls and women by Norwegian Church Aid (NCA) in Laos* --henceforth cited simply as the “NCA Report”-- p. 14.

<sup>4</sup> Chris Lyttleton, Paul Cohen, et. al., 2004, *Watermelons, bars and trucks: dangerous intersections in Northwest Lao PDR*, Lao Institute for Cultural Research --henceforth cited simply as the “Watermelon Report”. This report was extensively quoted in my earlier article, focussing on the NCA Report: Eisel Mazard, Oct. 2006, *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*, distributed via [www.akha.org](http://www.akha.org). In general, I have avoided repetition of issues already disclosed in my earlier essay.

<sup>5</sup> ACF Report, pg. 35

*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... [NCA Report, sec. 3.1]*

How is it that two nearly simultaneous investigations found such widely different figures (viz., 20% vs. 100%) for the rate of sexual liaisons between development professionals and the unwedded teenage girls of the host communities in the same district? I would suggest that if the method followed by Ms Isabelle Devaux were employed in any other cultural context, it would inevitably, drastically under-report the extent of the problem in question. If, perhaps, we were to employ an Akha to travel to indigenous communities in Canada, and spend a few daylight hours in each, investigating sexual abuse through double-translation, I wonder if the number of cases might be similarly under-reported?

Even within the ACF report, we have a rather interesting contrast to the 20% figure, in the claim that merely 7 out of 15 ACF staff were aware of such sexual activity between their own party and “the local girls”, which would be a rate of 47%.<sup>6</sup> In reality, the figure is 8 out of 15 (53%), as the report mentions that one of the staff who denied any knowledge of such affairs had, in fact, previously gone on the record in reporting another staff member’s dalliances.<sup>7</sup> Either one of these percentages is well above the threshold of 40% that the investigators elected to define as indicative of a systematic problem of sexual exploitation between developers and “beneficiaries”.

One of the more telling omissions in the report, which provides a compendious account of the implementation (and lack thereof) of ACF’s formerly “unwritten rule” against sex between developers and the host community, is the simple figure for how many of their employees have been sacked (or disciplined) for this transgression.

On page 21, the general practice of how such employees have been fired is described as if it were a regular (or at least repeated) occurrence, and, as with the NCA Report before it, the ACF Report admits an unspecified number of transgressions (with the assertion that these are exceptions to the rule) –but the plain figure of how many there have been is simply suppressed.

It is impossible to imagine that it would have been beyond the scope of the investigator’s work **to simply count** the number of such occasions, given that her objective was precisely to quantify the sexual misconduct of ACF’s operations in Meung Long district, Northern Laos.

The transgressions are only vaguely referred to in the past tense plural, and we are left to infer that they are more than just two in number: the report comments that, despite the culture of secrecy surrounding dismissals for sexual misconduct, “...one expatriate said that even if dismissals are not publicized, the other staff members perfectly know the true reasons of [sic.] a dismissal.” (p. 21) It is difficult to believe that the number of dismissals is either too high to count, or too few to merit a number, in this context.

The report does suggest (p. 19) that, in future, files should be kept on staff dismissed for “abuse of power”, to prevent their being re-hired by later administrators, as there is such a “high turnover of the expatriate staff”. I must remind the reader that “power abuse” is the ACF report’s

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<sup>6</sup> ACF Report, p. 11, where the figure is posed somewhat risibly as a bold claim that “8 out of 15” staff **don’t** know anything about such liaisons.

<sup>7</sup> *Ibidem*, pg. 12, “One ACF member claims he has never heard about sexual intercourse between village girls and staff, though he himself played a role in the accusation of one case”.

code-word selected for sexual abuse of persons aged 15 or over, as the authors chose to delimit “sexual abuse” to those 14 and younger (p. 37), as mentioned. We are left to infer that written records have not been kept of such dismissals in the past, and that nobody had been on staff continuously for long enough to offer a convincing estimate of the degree of “abuse of power”.

We can either surmise that the real number is known but is being withheld from public view by the investigator, or that it proved impossible to ascertain --despite the fact that this is precisely what the investigators were assigned with ascertaining.

### §3.

Reportedly, 15,000 to 20,000 Lao women and girls are trafficked on a yearly basis for the exclusive purpose of prostitution. This estimate is owed to a 2003 UNCHR report, *The Integration of the Human Rights of Women and the Gender Perspective* --and is apparently the only such estimate available. Given that Laos comprises merely 5.6 million citizens, if the estimate proves true, the country would be losing roughly 6% of its female population to the sex industry over the course of a decade.

The destination for the vast majority of the human chattel is Thailand. The ILO estimates that prostitution “and related services” constitute 14% of Thailand’s total economy (GDP), and 30-35% of all sex workers in the Mekong subregion are 12 to 17 years of age, according to UNICEF’s 2001 report, *Children on the Edge*.

The figures for migration as a whole are disproportionately female and “under-age” as a result of the sex industry. In southern Laos, 25.8% of female migrants are under the age of 18 (*viz.*, predominantly departing to Thailand), and internal migration (*viz.*, predominantly to Vientiane) is slightly more skewed to under-age girls, at 28.3%, according to a 2003 ILO Report, *Labour Migration Survey in Khammuane, Savannakhet and Champasack*, published by the Lao Ministry of Labour and Social Welfare. The study found that this had substantially robbed the Southern provinces of a generation: 18% of the local female population aged 15-17 were migrant workers elsewhere, along with 25% of the females aged 18-20.

I have not found similar statistics for the northern provinces, but there are indications that the situation is even more extreme there. James Chamberlain’s 2004 report for UNICEF, *Broken Promises, Shattered Dreams*, provides the following indications for victims of human trafficking from 149 villages, distributed throughout all the districts across the country (except the former Xaisomboune Special Region):

<b>Cross-border trafficking victims by age &amp; gender</b>	
Female, age 12-18	60%
Male, age 12-18	3%
Female, age 19-29	21%
Male, age 19-29	12%
Female, age 30 +	1%
Male, age 30 +	3%
<b>Trafficking victims by ethnicity/language</b>	
Lao	18%
Tai-Thay	44%
Mon-Khmer	27%

Hmong-Mien	1%
Tibeto-Burman	10%
<b>Victim destination/fate [NB: both genders]</b>	
Forced prostitution	35%
Domestic labour	32%
Factory work	17%
Fishing boats	4%

On page 8 of the same study, we find a further comment on the striking ethnic distribution of the sex trade (whereby the ethnic minorities are, by far, the majority):

*The connection between ethnic background and child trafficking issue [sic.] needs further study, since the majority of non-Lao trafficking victims come from villages that have been resettled or re-located. These victims were found to be from Lao and Tai ethnic groups, with Tibeto-Burmese over-represented in trafficking data compared to the percentage of the population (10% and 2.5% respectively).*

In Laos at present, the majority of the “Tibeto-Burmese” language group referred to are Akha, the largest single ethnicity in this category (1.6% of the national population, according to the current census). The remainder is comprised of a large number of smaller, historically related groups, such as the Lahu. Although the linguistic term “Tibeto-Burmese” is broad enough to include, e.g., Burmese immigrants to Laos, this is not its intended meaning in this context. The sub-group of highland languages indicated (including Akha) is also referred to more specifically as “Southern Loloish”, in accordance with a broadly accepted theory that their southward migration relates to Chinese encroachment upon (and invasion of) what had formerly been an independent kingdom (associated with the Lolo) situated to the north of modern Laos. To a significant extent, however, the presence of these ethnic groups in Laos can be attributed to the more recent dislocations of the late Qing dynasty (19th century), including the (near-genocidal) repression of the so-called “Miáo Rebellion”, which sent a new wave of migrants moving south from China into Laos.

Although the ethnic groups of highland Laos are both accepted and somewhat idolized as part of the official, national identity,<sup>8</sup> they also remain culturally alien to the lowland Lao, and are (for reasons difficult for an outsider to comprehend) the subject of much sexual fascination, or even fetishization. The preference for girls and young women of the northwestern ethnic groups in the sex trade is briefly noted in UNICEF’s 2004 study (p. 26):

*As a very broad generalization, based on the data collected in this study, girls from the northwestern provinces of Oudomxay, Luang Namtha, Luang Prabang and Bokeo tend to be mostly trafficked for purposes of sexual exploitation.*

Without being unduly salacious, it is perhaps useful to provide a single case study from the same report, as indicative of the way in which this trade reaches remote communities in the concerned area of Northern Laos:

<sup>8</sup> This relates, in part, to the heroic role assigned to the highland ethnic groups in the official history of the revolution, and, indeed, their crucial strategic value in both anti-imperialist wars (*viz.*, against the French and Americans respectively). Vathana Pholsena provides a survey of the historiography on this point in *Post-War Laos*, 2006, Silk-worm Books.

*Ms. Nang is from the north of Laos in Luang Namtha province and was trafficked by someone she knew from her village, Ms. Thien, and forced into prostitution. In 2001, Nang left home for the first time when she was 16 years old with two other girls, Ping and Oi. [...] The girls were taken to Thachilek port... [where they] were then separated and Nang was sent to a house where there were about 30 other Lao girls working. Two days later, a man came to the house and took her to a hotel, where he raped her every day for about a week until she was forced to start working as a prostitute. Once she began working, she was locked up in a hotel and forced to provide sexual services to clients eight to ten times a day. She never received any money. [...] She later found out that Thien, [viz., the trafficker] had sold her for 30,000 babt... [but] did not succeed in selling Ping and Oi because the former was not deemed attractive enough and the latter was disabled, although they discovered Thien still had intentions of selling them as domestic servants. As soon as they [escaped and] got back to Long district, Luang Namtha, the girls went to the police to report Thien as a trafficker. The provincial police eventually arrested Thien and fined her six million kip [≈ US\$600] and put her in jail for six months. (p. 28)*

The situation of sexual exploitation and prostitution within the villages themselves has already been described in my earlier paper on the subject,<sup>9</sup> relying in large part upon the field research conducted by Chris Lyttleton, Paul Cohen, et. al., and documented in their 2004 report, *Watermelons, bars and trucks: dangerous intersections in Northwest Lao PDR* (Lao Institute for Cultural Research). Without rehearsing the conclusions of either paper, I would note that the demand for commodified sexual encounters with these exoticized ethnic groups is both domestic and international. In reference to a “clear example” of part of a “growing network” of villages adapting in response to the pressure toward the commercialization of sex, Lyttleton describes the brisk pace of the trade as follows in Phonsamphan, Meung Long district:

*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. ... Some of these men are local, for example the neighbouring Akha; others come afield, for example Lao men 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. (p. 88 - 89)*

And, with special reference to the Akha:

*Local Akha sexuality and customs are highly sensationalized in lowland understandings and the exotic ‘primitiveness’ of the minority groups is heavily eroticized. (p. 85)*

This forms an essential part of the background to the scandal that the development agencies are now trying to extricate themselves from. The situation into which both ACF and NCA descended, with no salient or coherent codes of conduct (it is now admitted in both their reports)<sup>10</sup>, and neither a functional “reporting mechanism” nor an “enforcement mechanism” for the ethical conduct of their employees, was one in which a variety of forms of sexual exploitation were already rampant —indeed, at crisis levels.

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<sup>9</sup> Eisel Mazard, Oct. 2006, *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*, distributed via [www.akha.org](http://www.akha.org)

<sup>10</sup> ACF Report, p. 22: “The head of base in post until January 2006 did not inform his successor in Long that the staff is not allowed to have sexual relationships with villagers and that she was in charge of informing the hired staff of that rule during the hiring interviews. She has not even been informed about the risks of abuses of power or about previous occurrences. Therefore she neither informed nor warned the staff she recruited. The same remark goes for the two expatriates in post since September 2005 and February 2006, with the same consequences.”

It was, and still is, a situation in which an extremely vulnerable local population (already suffering from extremely high rates of mortality, malnutrition and malaria) is losing a generation by degrees to powerful outside economic forces that have made their advent in these isolated communities precisely through the medium of development work.

#### §4.

In both the NCA and ACF Report, a great leap of intuition required to get from the murky, conflicted findings of the full text to the upbeat conclusions or (wholly exculpatory) executive summaries. There is a similar gap separating the executive summary presented by an “independent inquiry” and the public face put on the outcome of such an investigation by members of the accused organization itself.

NCA’s representative repeatedly described this as, “A difficult saga, that has now ended well.” We should both question whether or not it is over, and for whom it has ended well.

One possible ending to the story has been written by NCA themselves. They wrote a new code of conduct in both English and Lao (to replace the fragmentary mess of largely untranslated directives criticized in the report), circulated and discussed it with all fifty of their local staff, ensured that all of them signed it, and then proudly added their new ethical standards to their MOU with the Lao government at a formal meeting with the Ministry of Foreign Affairs.

NCA is “just now trying to work out a reporting system,” their representative said, for any future staff misconduct, which will perhaps allow villagers to report on their employees via the Lao Women’s Union. Their new code of conduct covers a range of formerly unclear issues, such as the obligation of their employees to refuse gifts (such as pigs, goats, etc.) from the beneficiaries of their programs. To cap off the new image, new hats and patches with their logo emblazoned on them will be distributed, “because we have to protect ourselves” against claims of misconduct that, they surmise, ought to be directed against other development agencies in the district instead.

This “ending” to the “saga” is a procedural *tour de force* that any bureaucrat could be proud of, and it shows both the efficacy and the practical limits of bringing a complaint of this nature before the UN Permanent Forum on Indigenous Issues. However, the announcement of these developments at the ‘iNGO’ meeting (January 26, 2007) was accompanied by a refusal to accept any responsibility for past wrongs, or even to recognize that they are documented in the NCA Report, and was couched in the same excuse of succumbing to “local culture” that the report itself relied so heavily upon.<sup>11</sup>

At this meeting, however, it did not fall to my lot to point out (once again, as in my earlier essay on the subject) how odious and flawed the argument based on cultural relativity proves to be. The representative from Concern Worldwide took up this role with gusto, giving a formal presentation of his organization’s policy that “local culture is not an excuse, not a grey area”.

The contrast between the two presentations could not have been more striking.

Both of NCA’s representatives were nervous, frequently trembling and faltering in their speech, as they fumbled through a haze of statements about the “sexual openness” of Akha

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<sup>11</sup> Cf. my earlier work, cited in footnote 9, which treats this matter at length.

culture to outsiders, and the local acceptability of sexual activity for “14 or 15” year-olds,<sup>12</sup> while, at the same time, maintaining that the NCA Report completely cleared them of any wrongdoing, and that **not one** of their staff was guilty of misconduct.

Of course, this isn't true, as anyone who reads their report will find for themselves. The investigators heard reports of sexual liaisons between developers and beneficiaries in every village they toured (NCA Report, sec. 3.1), and the mode of sexual exploitation described includes a range of forms of misconduct, that could be variously defined as statutory rape, prostitution (and/or child prostitution), coerced sex if not rape *per se*, and so on; the report simply stops short of identifying NCA's employees as the specific developers at fault,<sup>13</sup> perhaps (I would suggest) because this kind of certitude was precluded by the chosen methodology.

Even leaving these over-arching findings aside, both the NCA and ACF Reports list a significant number of transgressions (contextualized as if they were unfortunate exceptions to the rule) --and these alone deprive NCA of the option of presenting themselves as blameless.

At an absolute minimum, instead of protesting their innocence (and denouncing the testimony against them as false), NCA is obliged to admit at least two instances<sup>14</sup> of their staff “soliciting sex” with locals (apparently legal minors?), contrary to their own policies, with at least one resulting in pregnancy and the abandonment of the mother-to-be by the NCA Project Coordinator responsible. This alone is the stuff that a scandal can be made of, and it really behooves an aid agency to show a bit of contrition or regret given that all this and more is admitted in their own report. Even one abandoned child, or one quietly covered-up abortion, should not be a matter of indifference to NCA, especially given that it is an overtly Christian charity.

However incongruously, the NCA presentation to the ‘iNGO’ meeting was adamant that the accusations were entirely false. In her struggle to give sufficient emphasis to her belief that the investigation cleared their names, the report was even referred to by the Norwegian representative as “a complete whitewash”; apparently she was unaware of the connotations of the English phrase in question.

With calm and measured confidence, Concern Worldwide both began and concluded its outline of their code of conduct by stating that, unlike NCA (or ACF, I might add), their organization works with the policy assumption that “local culture is irrelevant” to the tenets defining the minimum requirements of moral conduct for humanitarian workers in the field. The purpose of Concern's ethic (stating, in his terms, “this is right, this is wrong”) is **to protect the beneficiaries of development work against exploitation by the developers**. Secondary

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<sup>12</sup> I will simply note in passing that in the videotaped testimony of members of the Akha community concerned, sexual liaisons between their teenagers and older, moneyed development professionals (from outside the tribal group) were not described as “acceptable”, but were lamented and denounced, in some cases tearfully. The will-  
ingness of the accused to discount the testimony out of a preference for a kind of anthropological sketch of what Akha culture “is” (*viz.*, in generalizations made by outsiders) is a striking feature of the scandal.

<sup>13</sup> NCA Report, sec. 4.0: “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.” Ibidem sec. 3.1: “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...” Ibidem sec. 3.2: “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...”

<sup>14</sup> NCA Report, findings, sec. 2.



ily, but all the more significantly, Concern is committed to reporting all criminal activity conducted by their own staff, and prosecuting it according to local law. This demonstrates a degree of clarity sorely lacking in the small literature of the sources cited.

The same factors that resulted in the selection of the communities in question to be the special recipients of international assistance puts them at inordinate risk of exploitation (including sexual exploitation) by the wide range of salaried experts and laborers that development projects bring through town. Concern's code of conduct is not only pre-requisite for their own employees, but for any visitors or indirect participants they work with (or bring to the site for any purpose) including government officials they cooperate with. In effect, everyone on their team is confronted with a clear statement that the pursuit of their humanitarian goals is absolutely inconsistent with (and excludes) sex-tourism in the community they're assisting.

Really, this isn't too much to ask, and the donors supporting ACF and NCA in pursuit of their respective humanitarian goals should demand precisely the same.

Of course, this was not the whole of Concern's presentation. In brief, they shared a series of ethical paradigms that they had discussed with all of their staff (in various languages) illustrating how their code of conduct applies to a wide range of conundrums. The scenarios seemed carefully chosen, and ranged from a pushy manager inducing her subordinates to pick up her dry-cleaning for her, to staff engaging in prostitution and accepting various forms of financial kickbacks.

In none of the situations, Concern's representative reiterated, were the ethical standards relative to local culture.

I might add that the development industry brings with it a culture of its own; if we are to speak of "cultural relativity" in this wise, there must be at least two, counterposed measures in contention. Given that NCA arrived in northern Laos with a mandate to wipe out opium cultivation (*viz.*, heretofore a definitive part of local culture) it certainly raises eyebrows that they have so many objections and caveats to categorically banning their staff from engaging in (what we, in our culture would call) child prostitution (*viz.*, bribing or paying the youth leader for sexual access to the villages teenagers, as described at length in my former paper).

The use of "anthropological generalizations" of what "the local culture" is supposed to be (in both the NCA & ACF Reports) seems to have come detached from the demographic reality on the ground. In any culture whatsoever, when the rate of childhood malnutrition reaches 40%,<sup>15</sup> certain types of exploitation will inevitably emerge in the relations between the rich and poor. In Meung Long, as is now so well documented, development workers became part of the problem of sexually exploiting impoverished youth at the same time that they worked to address the very malnutrition that, I would wager, provided a more important precondition for that exploitation than any questions of "local culture" possibly could have.

Of course, the third culture in the equation is the national law of the Lao P.D.R., existing at a somewhat rarefied and abstract level, floating above the theatre on which the villagers interact with the international agencies. Concern Worldwide has adopted the principle that it is incumbent upon them to report and prosecute all transgressions by their employees to the full extent of the national law; the reports from NCA and ACF do not express any desire to do the

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<sup>15</sup> Source: a 2006 UNICEF report titled, *At a glance: Lao People's Democratic Republic*. "An estimated 40% of under-5-year-old children in 2004 were moderately to severely underweight. ... Malaria and diarrhea were, and continue to be, the first and second main causes of child mortality."

same with their own staff, and, I as commented in my previous essay, this seems to play into the culture of assumed impunity with which NGOs operate.

Indeed, the ACF report is overt in stating its interest in **avoiding** letting the police know of their staff's transgressions, and outlines a future policy that would, in effect, pay-off victims to hush up such matters without resort to the police. Among the "advantages" stated for a proposed new policy that would "integrate" a "local compensation scheme (Akha)" based on an "ethnological survey" is that it would "avoid to refer to [sic.] local authorities".<sup>16</sup>

Is it either legally or morally acceptable for ACF (or any development agency) to pay off (e.g.) an impregnated "village girl" (in the report's terms) in order to "avoid to refer to [sic.] local authorities"? If there is anyone willing to accept this theory, we must further question whether or not an "ethnological survey" conducted by outsiders provides a sound basis for defining "fair compensation to the victims"?<sup>17</sup> Conversely, if the dollar value of an unwanted pregnancy (or: a quiet abortion) cannot be established "ethnologically", should there, perhaps, be a single, international rate of compensation mandated for all of ACF from Paris? Such a list could only resemble the medieval sale of indulgences, with a stated price for absolving everything from statutory rape to abandoned babies; and, if relative to "local culture" (or "ethnological surveys") it would be list of unequal indulgences --a separate price tag for an abandoned mother in Sudan, as opposed to Laos, we must imagine.

In the charts of recommendations spanning pages 27-32, this seems to be the only mention of the possibility of reporting a crime to the police --and it is a wholly negative one, *viz.*, it concerns **avoiding** the reporting of a crime to the police.

What Concern Worldwide treats as a basic assumption in its code of conduct, *viz.*, that crimes such as prostitution and statutory rape deserve to be reported to the police, seems to have been hardly considered by ACF --or, worse, the issues were considered but they decided to eschew them.

While I agree with Concern Worldwide that "local culture" is irrelevant to minimum standards of ethical conduct for internationally funded aid workers, I might also speculate that if a similar "anthropological sketch" were offered of the sexual proclivities of developers and expatriate staff in Vientiane in these reports, it would provide a sobering (and disturbing) antidote to the investigators' airy judgements on the supposed "open-ness" of dating within peer-groups of Akha teenagers.

## §5.

Leaving aside all the fine points of definition and evasive arguments, both the NCA and ACF Reports describe widespread sexual activity between development workers and legal minors<sup>18</sup> from the impoverished communities of Meung Long district.

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<sup>16</sup> ACF Report, page 29.

<sup>17</sup> *Ibidem.*

<sup>18</sup> The legal age of majority in Laos is 18 (consistent with various UN norms), which is the minimum for legal marriage (unless an exception is granted by local government officials) as well as for driving a vehicle, and so on. The ACF Report admits this, on p. 37, but decides **to pretend** that the age of majority is 15 (rather than 18), "because it is close to" the French age of consent (*viz.*, 16) and, in the investigator's opinion, 15 is a normal age for an Akha woman to get married. The salience of local marriage customs to the dalliances of NGO employees on short-term local contracts with their salaries paid from Paris is nowhere questioned.

Both reports describe (but do not directly address) both actual and “possible” statutory rape, child prostitution, and “coercion” ethically tantamount to rape, albeit normally through the medium of third-party representatives from within the community itself (the ACF Report dubs this “Rape under moral constraint”, p. 37).

The NCA Report stakes its claim to the organization’s innocence on the bare fact that while target communities identify the problem, they cannot identify the specific employer of the specific development worker at fault in specific cases.<sup>19</sup>

However, this is hardly a police investigation: the methodology for both reports simply consists of a rapid survey from village to village (without any of the detective work that the terms “inquiry” and “investigation” seem to imply) through the medium of double-translation. It is less true for NCA to claim that they are guilty of “no wrongdoing” than it is for them to say that it remains an open question to what extent their employees in specific are the (unidentified) developers sleeping with local girls in the significant number of documented reports, and in the videotaped testimony, etc., above and beyond the cases of misconduct that they simply admit in passing.<sup>20</sup>

The ACF Report takes a somewhat more calculating approach: it first finds “no generalized practise of sexual abuse” using a mathematical definition. This could be misleading to a casual reader in itself, as statements such as “no abuse” and “no wrongdoing” suggest a rate of zero percent, whereas the actual finding is that “the number of denunciations doesn’t reach the rate set beforehand” (p. 11), *viz.*, only 20% of villages had a sufficient number of victims and their families volunteering accounts during the few hours of the unexpected visit from the untrusted outsider (asking about their sex lives, through the medium of two interpreters) whereas the threshold for “generalized abuse” was assigned a value of 40%.

The report will concede, however, “individual cases of abuse”, and (as discussed above) admits that there have been repeated dismissals of staff for such abuse, but there is an unseemly contrast between the detailed description given for alleged incidents that ACF feels were committed by other agencies’ development workers (*viz.*, not their own staff) and the evasive and non-specific admission of instances in which their employees **were** at fault.

The final sentence of page 11 is of the utmost importance:

*Apart from the cases mentioned in the charts, a few other cases, previously brought to light during the counter-inquiry carried by [sic.] ACF in May of 2006, have been mentioned. (Op. cit.)*

What this in fact means is that there are additional, unspecified instances of sexual abuse that were “brought to light” but are **intentionally omitted** from the charts. Thus, we cannot ac-

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<sup>19</sup> NCA Report, sec. 3.2: “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*).”

<sup>20</sup> e.g., NCA Report, 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.”

tually calculate a total from the report's charts (as it pretends to do), as it omits "a few other cases" --thus, if the number of verified abuses has been ascertained, it is unstated in the report.

This is one of the clearest signs of the bias of the investigator: if the actual purpose of the inquiry is to quantify and evaluate these transgressions of ACF policy, what rationale is there for suppressing the actual, total number of such incidents (and the total number of dismissals) or for excluding "a few other cases" from both the charts and the conclusions of the report? Either the investigators were working with the assumption that each and every case "brought to light" was worth documenting, or, conversely, their concern was to protect the organization that stood accused by omitting any facts unflattering to their case.

All of the reckoning is based on small numbers and the intentional omission of "a few" cases of "individual abuse" makes the mathematics behind the "20%" figure seem all the more dubious.

The actual conclusion is, "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... but once again without certainty about ACF's responsibility." (p. 12) This is, in principle, the same argument presented by NCA: because the villagers can't name specific (philandering) development workers' employers, their own agency is assumed to be without guilt.

The problem with this "conclusion" is that the purpose of the inquiry was to establish precisely how few (or how many) instances had occurred, not to withhold the actual number discovered from the public and then to lament that "however few" they may be, they can't with sufficient certainty be pinned on ACF (rather than other development agencies) given the methodology of a ten-day trek through the villages by a single reporter (who can neither communicate in Lao nor Akha!).

Notwithstanding its refusal to state the real, total number of cases of "individual abuse" discovered, the ACF Report tries to assure us that the videotaped testimony of Akha villagers, "... implying that 7 out of 10 ACF employees would regularly abuse girls in numerous villages are groundless." (p. 11)

Not quite: as explained above, 7 or 8 out of 15 ACF employees admitted that they knew these forbidden liaisons were going on in interviews with the investigator, and, as the report frankly admits, these employees had every reason to be untruthful and cover up such dalliances:

*... [M]any elements lead [sic.] to think that the villagers, as well as the ACF staff members, do not say everything they know:*

- *One ACF member claims he has never heard about sexual intercourse between village girls and staff, though he himself played a role in the accusation of one case. ...*

*Obviously, people met withhold [sic.] information. The reasons may be:*

- *Worries of ACF leaving, or wish that [sic.] the organization will develop other activities in their village (despite the efforts made to establish the independence of the study, the villagers closely associated the study carried on by Batik Int. to [sic.] ACF)*
- *Cult [sic.] of secrecy*
- *Lack of trust in Batik Int., unknown both to the villagers and the ACF staff members, which could not be overcome in such a short time. On the villagers' side, it can be imagined [sic.?] that in cases of rapes or generalized sexual abuse, they would have overcome this mistrust and talked about it.*

- *No objective «interest» on the part of the ACF staff to share information regarding sexual relationships, which, as they well know,<sup>21</sup> would lead to the incriminated persons' dismissal.* (p. 12-13)

In some sense, the final purpose of both reports is to create a consensus among development professionals that the original accusations and testimony are “groundless”. I surmise that this would be the desired “end of the saga” that NCA’s representative referred to. However, given how very uncertain the reports’ own grounds are for their claims, both quantitative and qualitative, it is impossible for an outside observer to dismiss the original, videotaped testimony that provided the impetus for the accusations in the first place.

I think that the following summary of the second interview (from the NCA Report) will suffice to show that the testimony against ACF is in some ways more palpable than the arguments used to exculpate them:

*With the exception of confirming a case wherein a woman became pregnant to an NCA coordinator affiliated with the project, the focus is entirely on ACF staff, including naming specific people. The details from the interviewee appear to come from villages nearer the road. This interview provides more details of the customary system that contact with young women is negotiated through the male youth group with the standard 15,000 kip and whiskey as the cost for girls (15, 16, 17 yrs old) who are obliged to accompany the men. The interviewee suggests this practice happens regularly in many villages and is outside of control of the elders. [NCA Report, p. 12]*

At the aforementioned meeting (January 26, 2007) I stated very plainly that, having read the full text of all three reports<sup>22</sup> dealing with sexual conduct and misconduct in Meung Long district, I found that their description of the conditions was largely consistent, not only with one-another, but also with the accusations and testimony that sparked the inquiries. The differences between them are in part normative (e.g., the narrow definition of key terms), and in part quantitative.

“Anyone,” I said, “with a background in the social sciences would agree that if we were to change the levers, the variables, for the investigation methodology, we could raise or lower the percentages of abuse that were found.” If the reporter had been an ethnic insider rather than an outsider, or had stayed in each village for a few days instead of a few hours, if he or she spoke Akha, and so on, would have variously raised the rate of reported abuse.

**My conclusion** is simply that the initial survey carried out by Matthew McDaniel (speaking fluent Akha) is proof positive that the widespread problem of sexual exploitation indicated by the frightening demographics for the region **can be easily verified by interviews conducted in situ**, and implicates significant numbers of development workers.<sup>23</sup> The agencies implicated definitely include Norwegian Church Aid and *Action Contre la Faim*; the arguments offered in the agencies’ defense seem to be, in sum, that (1) their transgressions were piecemeal, not systematic, (2) do not qualify as rape *per se* under various definitions proffered, and (3)

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<sup>21</sup> The “unwritten rule” at ACF, that not everyone knew about (cf. footnote 10, above), was that any such sexual contact would be punished with dismissal.

<sup>22</sup> *Viz.*, the NCA Report, the ACF Report, and “the Watermelon report”, *op. cit. supra*

<sup>23</sup> This is also the finding of the NCA Report in sec. 3.1, quoted above, to which I can only reiterate that in tiny communities of a few hundred (or, at most, a few thousand) the rates of abuse admitted (*viz.*, perhaps “2 or 3 times per month) are far from trivial. The predation will be felt disproportionately by a small number of unwedded teenagers in each village, largely (if not wholly) legal minors.

that the investigation fails to identify the developers by name or employer. A single example from the ACF report will show the method at work:

*The meeting with [7] village girls [of Chakantam Long] ... provided the following information: According to the girls, some NGO members had asked, via the head of the youths, to sleep with girls of the village. It happened the year before, and the one before that (which would be in 2005 and 2004). 3 village girls, [currently?] aged 17 and 18, were involved; they got married last year. This occurred only with 2 or 3 male representatives of the NGO and did not happen systematically at each visit. The girls could not refuse a request from the youth leader to sleep with outside boys. [sic.!] <sup>24</sup> But if she did not like the boy, the girl could leave him during the night, provided she (or her boyfriend) paid a fine to the youth leader. ...*

*The girls do not remember the names of the staff members involved. According to the dates provided (2004 and 2005), other organizations, as well as ACF, also had works in progress (EU program, and possibly GTZ program). [ACF Report, p. 7]*

As with the NCA Report before it, the phrasing of many of these conclusions also undermines the premise that investigation was conducted out of genuine concern for the welfare of the target communities. Presumably, regardless of the employer, the effects of the sexual exploitation of village youths by development workers is much the same --and deserves to be given much more consideration than it is granted in either report.

It is odious enough to open such a debate about the meaning of “rape”, but it is flatly absurd to do so when none of the parties seem to be disputing the real facts of the underlying situation --and when all parties are supposedly committed to humanitarian goals that include its redress.

My own conclusion is hardly radical, and amounts to much the same thing as can be found in the full text of every source cited --minus the whitewash. The main distinction between the accusations and the findings of the investigations is that the latter offer overwrought (and overly narrow) definitions for “sexual abuse”, “power abuse”, “coercion” and so on --whereas McDaniel seems to willing to treat all of these simple rubric of “rape”.

Ultimately, this line of defense puts the NGOs in an untenable position: statutory rape is rape, and all arguments to the contrary will do more to condemn their organizations’ attitudes than the original testimony itself ever could have.

## §6.

As the “iNGO” meeting on this subject came to a close, one of the participants raised a rather awkward question: why weren’t there any resolutions or plans for future action? What would the minutes state as the meeting’s outcome? After a brief silence, the chairperson held up a few of the policy documents that had been shared, and stated in an optimistic tone that they would be reduplicated and distributed to all concerned.

In one sense, the meeting was only debating the procedural question of defining and enforcing a “code of conduct”; but from another perspective, it was raising ethical questions that pertain

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<sup>24</sup> Although the use of “girls” for legal minors is understandable, the reference to the NGO employees as “boys” seems aberrant; how could these men have possibly been under 18? Also, NB, the ACF Report defines coercion of this kind as “Rape under moral constraint”, on p. 37; as with the NCA Report before it, the claim that the “girls” have the right to flee in the night (and that this is “normal”) seems to be crucial in the report’s avoidance of a number of legal/ethical questions.

directly to how everyone sitting in that room will choose to interpret their responsibilities while they are in this country.

The ACF Report is written with the stated assumption that expatriate staff on site are never part of the problem, and exert a form of reflexive moral “control” that is part of its solution. From page 20 to 22, the report laments that the relatively few expatriates in the district (circa 3?) cannot be present at all activities of their “local” staff (up to 80?), with the presumption that this mere presence is a very powerful deterrent to the proclivities of the “locals”, and that the locals alone are susceptible to such urges. Having lived and worked in Vientiane for two years, with innumerable candid discussions with such expatriate staff here, I find this assumption of their moral role quite astounding. Large numbers of expatriates either come here, or decide to stay here, for sex; quite plausibly the majority --NGO staff included.

The expatriates that ACF has living in the villages seem to quite young compared to other agencies, predominantly under 35, many in their 20s, based on experience; they seem to be predominantly unmarried. Although the ethical and legal questions have, naturally, preoccupied this paper, the practical question for those of us on the ground (myself included) is whether or not we choose to live in celibacy for long periods of time.

Whereas the NCA Report tries to reverse the onus of the accusations, by claiming that they presuppose, “the premise that all sexual relations occurring between non-Akha and Akha women are coerced and abusive” (sec. 4, p. 18), I would instead question “the premise” that consent is possible between malnourished teenagers and older, moneyed development professionals. Concern Worldwide has already embraced a working solution (without having to face a similar scandal) by positing that the most vulnerable people in the world require protection against exploitation by those seeking to “develop” them. Naturally, the threshold for “sexual misconduct” in the context of a humanitarian intervention into communities struggling with (and dying from) absolute poverty should rightfully differ from those applied to normal dating --be it within peer-groups of the host culture, or of the donor nation’s culture. The latter are spurious to the standards of professional conduct that “the poverty industry” should adhere to.

Over the past six months, many people have challenged my assumptions and stated opinions on this matter, not only expatriates, but also various Lao nationals and officials known to me.

What many of them have to say is, “But you know how it is in these villages...,” namely, that the teenage girls actively seek out and court the attention of (relatively) moneyed outsiders. I have been asked many times if I don’t find the flattery overwhelming, if not the temptation.

I now know that I am the exception to the rule (among both Lao nationals and expatriates working here), but I am neither flattered nor tempted. When teenagers attempt to flirt with me in Laos, I tell them much the same thing that I have told teenagers who have tried to flirt with me in Western countries: “Eat your vegetables, read books, don’t believe anything that you see on TV.”

As you can imagine, they rapidly lose all interest in me.

In looking over the cycle of accusations and counter-inquiries, what is most disturbing to me is that the scandal has brought about the least pause for thought precisely where it is needed most: among the expatriates working on the ground, who “know how it is in these villages”. The opinion of certain ACF staff stationed in another rural, remote district (reported to me second-hand) reflected both the tone and phrasing of what their superior (in ACF’s Vientiane headquarters) wrote to me directly, and what I’ve heard from various other agencies’ staff first-

hand, to paraphrase: “The accusations and testimony presented to the UN may have said such things, but we responded with an inquiry right away, and it has completely cleared our names”.

For anyone who has read the reports in question, or even the present article, I would hope that it is now abundantly obvious that **this is not true**, and that an important opportunity to check the culture of impunity among development professionals is being lost.

The only conclusion that I’ve heard from the mouths of the agencies in question (not excluding NCA’s formal presentation to the iNGO group) is that they are blameless, and that those who have made the accusations are instead at fault. There is really no end to the calumny directed at McDaniel (who should rather be thanked, I would suppose, for recording and translating the original interviews from Akha), although, so far as I know, not a single person subscribing to this view has actually read the transcripts of the testimony, much less either one of the reports in full. The “factual awareness” of the case in Vientiane remains largely defined by word-of-mouth --by rather shallow gossip, in no way appropriate to the seriousness of the issues involved.