

A. History of the Hmong

Prior to the 1800s, the Hmong were indigenous peoples living along the plains of the Yellow River in China. For centuries, they lived along these plains, peaceably, but with a proud and independent spirit. In the 19th century, the expansionist movements of the Imperial Han resulted in thousands of Hmong massacred and displaced. Refusing to be dominated, the surviving Hmong took to the mountains for protection. The mountains were difficult for a farming society, as was the Hmong then. However, the mountains were less accessible and more defensible against the imperialist Han. They lived and thrived in the mountains, moving only when threatened. As expansionist pressures from the Han increased, so did migration of the Hmong. By the 1800s, the Hmong found themselves forced to migrate into the highlands of Southeast Asia. Laos was home to many Hmong by the early 1800s.

Since their forced migration from the plains of the Yellow River, the Hmong experienced minimal stability. They continued to encounter new and often very different geographic, climatic, economic and political situations, forcing them to adapt or migrate. Between 1893 and 1954, the French government controlled Laos and Hmong served in the French army, fighting against communist threat. From 1955 to 1973, the French left the region and in its place came the Americans. The United States government recruited Hmong to fight in the Vietnam War as the secret army until 1973. In 1973, the United States signed the Paris Peace Agreement on Indochina and in accordance with that agreement, withdrew its troops and advisors from Laos, South Vietnam and Cambodia. As a result, the north communist regime in Vietnam; the Khmer Rouge in Cambodia and the communist Pathet Lao in Laos came into power in 1975. Between 1975 and 1995 the communist Pathet Lao government killed the Royal Lao family, former government officials, civil servants and many other people, including those suspected of aiding forces that opposed the communist government.

The Vietnam War caused even more migration of the Hmong. Many became refugees in Thailand; others found themselves in other parts of Asia. Thousands were granted refugee status in western countries, including the United States. Due to the constant migration and poor census data collection in developing countries, there had never been an accurate count of the population of Hmong. It was only estimated in 2000 that 400,000 Hmong lived in Laos and 300,000 in the United States. Today, the largest concentrations of Hmong in the U.S. are in Wisconsin, Minnesota and California.

B. The Struggles

Like many indigenous peoples, the Hmong struggle for civil, political, economic, social and cultural rights. The examples, beginning here in Section B and continuing on to Section C attempt to illustrate the continuous struggle of this indigenous population to maintain an identity amidst a dominant structure of host countries. As important is the struggle to be recognized by host countries as a distinct peoples with established centuries-old political, economic and social structures. As is evident, these struggles are compounded by the fact that unlike other indigenous peoples, the Hmong have little to no historical attachment or legal claims to territory in these host countries.

1. United States: Barred from Economic Benefits

First, in the United States, the Hmong encounter language barriers that prevent them from full participation in the economic, social and cultural life of the United States. Citizenship, which gives a person the right to vote, is lacking among the Hmong population, when language is made a part of the test to obtain citizenship in the United States. Without citizenship, the ability for Hmong to fully participate in civil and political life worsened; not only that, but their livelihoods are often threatened. For example, when the Welfare Reform Act was passed by the United States Congress in 1996, many Hmong stood to lose federal benefits essential to their survival. The Welfare Reform Act provided that only American citizens would be eligible for social security income (SSI) and other federal assistance. Because many Hmong were dependent on SSI and many were unable to obtain citizenship because of language barriers, many became desperate when they learned they would become ineligible. In 1997, a Hmong man from Wisconsin killed himself after receiving notification that his SSI would be cut off.

2. Laos: Reported Disappearances, Torture and Killings

Lao Human Rights Council, Inc., a non-governmental organization with the mission to promote and defend human rights for Lao and Hmong, documented many cases of gross abuses; a few examples follow.

- In September 1993, Vue Mai, a leader of Hmong returnees in Vientiane, was arrested by Lao authorities. Vue Mai was recruited by U.S. officials to assist with the repatriation of Hmong from Thailand back to Laos. Since the arrest, families of Vue Mai have never seen him again. They believe he has been killed. The Lao authorities claimed they don't know of his whereabouts. He just disappeared.
- December 3, 1997, Xai Ge Vang and seven other Hmong people in the Village of Sala Phou, Khoun Area, northern Vientiane, Laos, were killed by Communist Lao and Vietnamese soldiers.
- In 1998, Ka Yeng Xiong was killed in the Village of Houa Nha, Xieng Khouang Province.
- In 1998, Lao authorities tortured and killed eight Hmong civilians at the Nam Ngum Dam Water Project in northern Vientiane.

Other sources report similar abuses:

- The UNCHR confirmed in 1998 that 300 Hmong refugees fled to Myanmar to avoid forced repatriation to Laos. UNCHR reported that the group is close in custody in the Houaphan Province and some men were detained in jail.
- The St. Paul Pioneer Press, in March 24, 1997, reported that eight Hmong people in the Village of Moug Ou in the Saysomboun Area, Xieng Khouang Province, Laos were massacred.
- Blia Yang Chang, a Hmong political prisoner in the Sam Khe Jail, Vientiane, Laos reported in the St. Pioneer Press that at least 50 Hmong political prisoners are imprisoned by the Lao government. He witnessed gross violations of human rights, including genocide and torture.

C. Fighting Back

In its fight to maintain basic human rights, the Hmong in conjunction with various grassroots organizations and individuals resort to national as well as international law, as the following will demonstrate.

1. United States: Playing the Game to Regain Economic Benefits

On the issue of the citizenship and public assistance, several organizations and grassroots in Minnesota and Wisconsin mobilized the Hmong community to rally Congress. As was their history of having to frequently adapt to different environments since their forced migration from the Yellow River region in China, the Hmong realized quickly that to survive in the United States, they needed to adapt to the individualistic, capitalist and democratic philosophies of the United States. By 1996, when the Welfare Reform Act passed, the Hmong had enough resources within its own community to mobilize lobbying groups that went to Minnesota and Wisconsin's senators and representatives in Congress. Using lobbying and advocacy techniques frequently seen in U.S. civil and political practices, the Hmong successfully influenced Congress to include a provision in the *Balanced Budget Act of 1997* that restored SSI to legal immigrants and refugees in the U.S. Many Hmong were refugees or immigrants. In addition, Hmong efforts at the United States legislature resulted in the enactment of the *Hmong Veterans Naturalization Act of 2000*. The purpose of the Naturalization Act was to waive the English portion of the citizenship test to Hmong veterans who fought for the United States during the Vietnam War and to the spouses of the veterans. Today, the Hmong continue to encourage their children to obtain the highest level of education possible, as a tool of survival in the U.S.. In 2003, Minnesota has two Hmong in its legislature.

2. Laos: Raising Awareness of Disappearances, Killings and Torture

Lao Human Rights Council, Inc., continues to document human rights abuses against Hmong and Lao. Representatives from that Council appealed to the Assistant Secretary of State of the United States, the U.S. Ambassador to Laos, the UN High Commissioner for Human Rights. During the U.S. Senate hearings for the extension of Most-Favored Nation (MFN) status to Laos in 1997, Lao Human Rights Council and other Hmong activists lobbied the U.S. government to make MFN status conditioned upon formal investigations of human rights abuses. They were not successful. There were small successes however. In May 23, 2000, Senator Feingold of Wisconsin and Senator Wellstone of Minnesota, along with several of their colleagues, submitted a resolution before the Committee on Foreign Relations calling upon the Government of the Lao People's Democratic Republic to ensure that Hmong and other ethnic minorities who have been returned to Laos from Thailand and elsewhere are accepted into Laos. They also called upon the Lao Government to afford the same educational, economic and professional opportunities and to release from prison those who have been arbitrarily arrested on the basis of their political or religious beliefs.

Grassroots organizations continue to lobby Congress and document stories. However, efforts to find solutions are more difficult. The allegations of human rights abuses in Laos are difficult to prove, evidence gathering involves the cooperation of the Lao government. Here, the

playing field is different, involving inter-government influence and more resources. Hmong human rights activists struggle to produce hard evidence without cooperation. As a result, the efforts to date have involved raising awareness before U.S. Congress and international bodies such as the United Nations. In their appearances before the United Nations bodies, activists such as the Lao Human Rights Council cite to violations of the United Nations Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These are human rights instruments promoting the basic rights of all people, requiring governments to take appropriate measures to protect such rights.

D. Sources Consulted

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