

Minutes for Customary Law Project Board Meeting

Venue: Lao Plaza Hotel, August 10, 2010 (9:00 AM - 12:00 PM)

This meeting aims at reviewing and presenting to the board members all activities achieved by the Customary Law Project has achieved so far and the planned activities until December 2010.

The chairman of this meeting was Mr. Ketsana Phommachane, Head of Law Research and International Cooperation Institute (LRICI) and Mr. Ian Holland, UNDP Deputy Residence Representative.

Total participants of this meeting 20 people, who are representative from Lao Front for National Construction, Lao Women Union, The People Supreme Prosecutor, The People Supreme Court, Lao National Commission for the Advancement of Women, Department of Law, Department of Judicial Administration, Department of Law Dissemination, Convention and International Law Department, Ministry of Investment and planning and Ministry of Public Security. Besides that UNDP team, Customary Law project team, LSICI (MoJ) and project consultant also attended to the meeting.

Opening remarks by the Ministry of Justice, Mr. Ketsana Phommachane, Head of Law Research and International Cooperation Institute (LRICI) and National Project Director (NPD) he has introduced briefly on Law background in Lao PDR, International Cooperation of MoJ and Legal Sector Master Plan (LSMP). He also says thanks to UNDP for supported Customary law Project. In addition, he also mentioned the challenges of Customary Law Project implementation during the first 6 months of 2010; such as timeframe (short time), the Customary Law project is the new for Lao and the first project for Lao, and facing many problems in the survey implemented. Due to, all stakeholders pay more attentions to this work and led all activities fulfill as the project objectives and outputs.

Opening remarks by UNDP, Mr. Ian Holland, UNDP Deputy Residence Representative, he said that Lao diversity can contribute to development; the LSMP can contribute to poverty alleviation as targeted by National Socio-economic Development Plan based on the Millennium Development Goals (MDG). It can also contribute to access to justice; how can customary law can contribute to development; this is a fascinating opportunity.

CL help understanding equity and access/gender equality and human rights and all international treaties; how they relate to CL; this is the broader framework. The data gathered are important; we will be able to informed policy and judgment

The meeting divided agenda into three main parts differently: first part mainly covered the whole activities has done in 1st half year of 2010 including achievements, strengthen, limitation and challenges, financial issue and project management (responsible by CL Project Manager). Second part focused on reviewed of the completion of field survey achievements, challenges, lessons learnt and risks (responsible by project consultant). Third part covered by future activities of CL project, including the financial status (responsible by CL Project Manager and Laurent Pouget, UNDP Legal Specialist).

I. Whole activities has done in 1st half year of 2010 including achievements, strengthen, limitation, challenges, financial issue and project management.

PM of Customary Law project, Mr. Viengphet Sengsongyalofaichon, has reviewed the implementation of all activities in 1st 6 months of 2010s. He especially explained of how difficult the project has been facing while it organized survey. For example: Toum, Krie ethnic groups and few more out of 49 ethnic groups have not been covered by project survey plan at first. But later his team tried to reach the two ethnic groups, Toum group based in Xaichamphone district, Bolikhamxai province and Krie group based in Bualapha district, Khammuane province.

- CL project manager has point out the achievements of the project activities as below:

1. Completed survey 49 ethnic groups in 16 provinces and 34 districts in the whole country (now we have 49 reports from 49 ethnic groups).
2. Completed 4 training courses for the representatives from 49 ethnic groups (how to collect data from their own community and understand the meaning of questions).
3. Completed 6 meetings for the representatives report their results from the survey.
4. Completed 5 reports from 5 researchers from the representatives of Phounoy, Khmu, Iu-mien (Yao), Hmong and Makong.

- Strengthens

1. The leadership in the Ministry, Provincial, Districts and all stakeholders are paying more attentions and good facilitated for project implemented.
2. UNDP has funded to our project activities.
3. We have International and National consultant working close to the project team.
4. Project teams have a good preparation and high responsibility.
5. Communities are enthusiastic and cooperation with the teams.

- Limitations

1. Estimated districts and ethnic groups in some location was mistake, because some province has established a new district such as Bolikhamxai and Sayabuly provinces.
2. Difficulties to find the representatives from ethnic group, because we do not know who can provide customary Law information or whom know customary Law.
3. Many representatives from 49 ethnic groups do not understand Lao language well.

4. Budget for survey activities does not enough.
5. CL project no vehicle, it was not convenient for travel from Vientiane to each province
6. Some ethnic groups cannot attend any training courses such as Lolo, Ho, Suay, Toum and Trie.

- Challenges

1. The project planned to do the research only 6 ethnic groups, but in fact the project has extend to 49 ethnic groups (time and budget problem).
2. This project is the new for Lao PDR and MoJ lack of resources, experiences and knowledge on this field.
3. Short time.

- Lesson learnt

1. Should be making an activities plan and budget plan follow the annual work plan.
2. Project implementation should follow the plan and on time.
3. Contents should be logic and using easy words, provide training and pre-test to ensure that all participants understand and clear objective before implementation in the field.

- Financial issue was also mentioned (see Laurent's remarks below)

II. Reviewed of the completion of field survey achievements, challenges, lesson learnt and risks.

1. Project achievements are similar to CL project manager reported but the consultant focused on technical. For example, study framework, techniques of training and methods-procedures of field survey. Most of the tools are related to participatory approach,
2. Strengthen:
 - a. The Ministry of Justice is a proprietor of project implementation
 - b. All stakeholders willingness to cooperation with the project
 - c. Some representatives have more skills on customary Law such as they have a book recorded (mostly ethnic groups based in Lao-Tai group)
3. Weakness
 - a. Same Viengphet reported

4. Risks:

- a. Many ethnic groups were concerned about tradition and customary law in their own communities probably eliminate.
- b. Many ethnic groups provided their information of customary besides the policy and legal system of the government (unable shows all of their customary law because they were concerning for the negative to the legal system)

III. Future activities of CL project, including the financial status

Consultant's report:

- a. Reports the results to the project board committee
- b. Elaborate and finalize all reports to the final
- c. Translate into English
- d. Design website
- e. National strategy design
- f. Creation data based

Project Manager

Based on the activities in Q3 and Q4

Budget: Laurent point out: the project has delay because changed the structure and activities from 6 ethnic groups to 49 ethnic groups; the total budget of this project: US\$ 236,000

Q3 (2009): \$ 11,000

Q4 (2009): \$ 39,000

Q1 (2010): \$ 64,000

Q2 (2010): \$ 97,000

Q3 (2010) estimate: \$ 37,000

Q4 (2010) estimate: \$25,000

Output 1 funding gap: US\$ 37,000.00

Planned output 2: US\$ 122,450.00 (based on AWP 2010)

Laurent mentioned that the second output cannot be implemented and that probably the only way to complete output 1 is to transfer funds from the budget of the LSMP AWP.

Suggestion and comments of project board committee

Mr. Ketsana has 3 main questions as below, before discussion and suggestion:

- Between recruitment pluralism expert and translate into English, which one will be first priority?
- Legal pluralism expert should be Lao or foreigner?
- National strategy is very important, request to all project board members considerate?

1. Mr. Phoukhong (ILP) suggests

- According the international convention any ethnic group they have the rights to protect their tradition.
- Customary Law is a national relatives/kinsfolk
- Future planning:
 - Should have local customary law
 - The customary law should be one part of legal system/the legal system should be develop from customary law
 - In case of we have to dissemination international law to ethnic groups, is it not fast? if compare to CLP
 - The international Law project has been implemented over 2 years in Lao PDR, this project was an awareness raising project for Lao officials and it relevant to international convention and/or dissemination throughout local communities.

2. Ms. Malaykan (Lao NCAW) suggests

- What is our priority between translation and recruitment experts? Who will be our expert? If Lao expert will be save our budget, but if foreigner expert it is probably translate into English first.

3. Mr. Xaonengher (The People Supreme Court) suggests

- We have more activities to do in the next plan, but we have limited time and budget, I suggest to everybody consider the way to take this project go ahead and design what to do?
- Before recruitment expert team should be elaborate and finalize and then translate into English will be better.

4. Ms. Somchane (LWU) suggests

- I disagree if you says that “CL project is small project” because CL project is very important for Laotian in the whole country and CL project is one important project that support social, economic development in Lao PDR.
- Carefully on the results of survey because some positive and some negative, for example, Khmu ethnic group: the case study of a couple (husband and wife) in case husband pass away, his relatives force his wife to get married with his younger brother (Khmu’s customary law). If compare to the legal system, it is positive or negative? How to address on this issue in our project?
- Next plan: Should be summarize and finalize all information and all reports at least 80% completed, translate into English probably later.

5. Mr. Sosonephith (LFNC) suggests

- Propose to CL project management team organize a meeting for all board members for discussion on 49 reports for finalize.

6. Mr. Phoukhong, said “according to Ms. Somchan suggestion number 2”,

We should explain both negative and positive of customary law and compare to the legal system to the local communities.

7. Mr. Ian Holland, UNDP DRR has point out that:

1. Achievements

- We have not only succeeded in achieving the initial objective; we have gone far beyond that with an excellent methodology, participatory approach and including so much capacity building of grassroots and also government staffs at district, provincial and central level.
- The UNDP wishes to build on this project as an example of participatory approach for other project. WE have reached much more, the scope and depth of the data available is a feat for us all.
- It would be interesting to product a short film on and the project (Lao PDR ethnic groups, development challenges, and project) to present to other countries during the round table meeting.

2. Phase 1 and continuing after

- There are 4 months left and lack of 37,000 USD.
- The output 2 initially planned for the phase 1 will be delayed. What should be prioritized in to finalize the reports and to translate them into English.
- The output 2 becomes the main target for the new project. We will have to carefully formulate a new project because this is a subtle and complex task, and this is fundamental

for Laos in order to fight against poverty. Legal empowerment of the poor to participate in the development only can reach poverty alleviation.

- The next phase will be a part of the LSMP and define the strategy of the LSMP.
- In case some customary practices appear to clash with international or national standards, the way to deal with would be with great consultation and participation of all level including central, province and district stakeholders.
- UNDP wants to continue this partnership in this exciting project.

Vientiane, 20 August 2010.

UNDP



Prepared by Project Coordinator



National Project Director

