



Meeting Minutes: Local Project Appraisal Committee Customary Justice Practices Project

Date: **19 March 2009**
Time: **10am -12am**
Venue: **1st floor conference room, Lao Plaza Hotel, Vientiane, Lao PDR**

Agenda:

1. 09:45 : Registration
2. 10:00 : Opening remarks by Mr Ket Kiettisack, Vice-minister of Justice
3. 10:10 : Opening remarks by Mrs Sonam Yangchen Rana, UNDP Resident Representative and UN Resident Coordinator
4. 10:20 : Presentation of the draft project document (Mr Laurent Pouget)
5. 10:45 : Discussion
6. 11:45 : Closing remarks

Opening Remarks

H.E. Mr Ket Kiettisack, Vice-Minister of Justice, welcomed the participants to the LPAC meeting. He recalled the importance of customary law in Lao PDR, underlining that customary practices rule the daily lives of the majority of the Lao people, especially in remote areas of the country. He stated that the activities of citizens must be in line with modern statutory laws, which the project should ensure.

The Vice Minister elaborated that an in-depth study of customary law is important in order to help articulating the informal system for the settlement of disputes with the formal court system within a comprehensive framework.

Mr Ket Kiettisack expressed his thanks to UNDP for its continued support to MoJ and to other line ministries and agencies acting in the legal field.

Mrs Sonam Yangchen Rana also welcomed the participants and stated that contextual aspects are a very important factor of success and that the customary law project corresponds to a timely innovative initiative, showing a convergence between the MoJ and UNDP.

She underlined that the project attempts to compile relevant information on customary practices in Lao PDR so that the created database can provide the basis for a national strategy built on the interactions and interlinkages between both formal and informal legal systems.

Ms Sonam Yangchen Rana also indicated that the project is part of the UNDP's overall support to the implementation of the Legal Sector Master Plan. Finally she mentioned the importance of the project with regard to issues of gender equality and the application of Human Rights standards.

Presentation of the Draft Project Document

Mr. Pouget opened his presentation by an overview of the background of the project, recalling that customary practices constitute a predominant source of law for many people in Lao PDR e.g. ethnic groups and rural population. However, there is to date no reliable information on these practices. He mentioned that such a project is enclosed in the draft LSMP and will also have links the Access to Justice Survey to be led by the Lao Bar Association Support Project.

Mr. Pouget outlines the envisaged outcomes of the project, which are to facilitate the practice of customary law where it serves the interest and needs of people, to enhance the knowledge of central authorities on informal practices and to ensure compliance with general standards of Human Rights and gender equality principles.

He then pointed out the two subsequent outputs which consists of (1) the creation of a reliable database on customary practices and (2) the formulation of a draft national Strategy on Customary Law. The detail of activities was also presented.

It was mentioned that considering the close connection of the project with the LSMP, the management and monitoring arrangements already established for the initiation plan of the Support to the implementation of the LSMP would be utilized, but the board membership would be expanded to the Faculty of Law and to the Lao Front for National Construction due to their specific interest in the project.

Finally it was indicated that the project would start on April 1st 2009 and end on 31 December 2010 with a budget of USD 236,000.

The chair opened the floor for discussion:

Ministry of Foreign Affairs

Mr. Phoukhong Sisoulath, Project Manager of the International Law project, mentioned that it is very relevant to start such a project implemented by the MoJ. He said that each ethnic group has its own traditions which may be a source of good governance. However data collection must not be limited to positive traditions but must also aim at collecting information on negative practices which do not suit or match the formal legal system. By means of a gap analysis and by raising awareness of people, the project could then help aligning informal practices with formal law and with international standards, particularly in regards with Human Rights principles.

Mr. Phoukhong also pointed out that local people are often reluctant to bring their disputes before the court because they do not know much about the formal system and are consequently distrustful of judges.

National University of Laos

Mr. Sengdeuane Wayakone, Associate Professor and Director of the National University of Laos, mentioned that in overall he agreed with the project document. He suggested that the project team of experts should involve master students from the Faculty of law and the faculty of Social Science, especially in the process of collecting data. This would help enhancing human resources in the legal sector, in line with the policy of the government.

OSPP

Mr. Khamphet Somvolachith, Deputy Director, OSPP, mentioned that Lao PDR consists of many ethnic groups and it is therefore necessary to collect data on their customs and to create a dedicated documentation in order to develop knowledge of these informal rules.

Mr. Khamphet also expressed his agreement with the planned activities and he mentioned that it would be necessary to organize consultation meetings of all stakeholders to discuss the use of the database before making its content public.

People's Supreme Court

Mr. Sengsouvanh Chanthalounnavong, Judge, agreed with the project document. He pointed out the importance of collecting data on the traditions of ethnic people in order to elaborate a strategy in the future. He indicated that judges have no knowledge of customary laws and that the project would enhance the work of the courts.

Mr. Sengsouvanh said that the team will have to collaborate with all concerned authorities and agencies and that the drafting of the strategy will require the involvement of all key legal stakeholders.

Ministry of Justice

Mr. Ketsana Phommachanh, Director of the Law Research and International Cooperation Institute, mentioned that the principle of a survey on customary law is enclosed in the Legal Sector Master Plan.

He said that the scope of the project appears to be too limited and does not include all aspects of the legal sector. For instance, the project does not seem to cover customary trade practices whereas knowledge in this matter would help the Courts to solve conflicts more efficiently. He added that the timeframe of the project is also too limited considering the broad field of research.

Mr. Ketsana mentioned that the implementation of the project would represent an important load of work for the MoJ and particularly for the LRIC Institute and it would then be necessary to involve also other ministries and institutions, such as the Ministry of Information and Culture or the Lao Front for National Construction.

Lao Front for National Construction

Mr. Sosonephith Phanouvong, Deputy Director General, Ethnic Group Department, expressed his support to the project, which he considers as a good one. He indicated that it is extremely difficult to improve access to justice for ethnic people. Mr. Sosonephith mentioned his intention to collaborate with the project..

UNDP

Mr. Dirk Wagener, Assistant Resident Representative, Governance Unit, indicated that due to the important number of ethnic groups and the limited timeframe a comprehensive survey on customary law in Lao PDR can't be reasonably expected and the experts will then have to clearly pre identify relevant and representative samples of ethnic groups.

Mr. Wagener added that the involvement of students from the University in the collection of information was an excellent idea. Finally, he pointed out that the project activities would be accomplished by experts with the assistance of project staff and should not be a burden for the MoJ. Besides, other related authorities and institutions should of course be involved in the project.

Mrs. Sonam Yangchen Rana mentioned that UNDP was not the only owner of this project and that all related Lao ministries and agencies would play a major role in achieving the expected outputs. She added that it would be important to also consult and collaborate with the Lao NCAW and Lao Women's Union.

Conclusion :

Mr Ket Kiattisack concluded by underlining that the LPAC meeting has shown a broad agreement on the project document. The project will lead to the first survey on the traditions of ethnic groups in Lao PDR, which appears all the most important and necessary as Lao people themselves have little awareness of the uniqueness of ethnic groups. The survey will provide a significant source of information that will enhance the knowledge on Lao legal and social traditions.

Mr Ket Kiattisack agreed with Mr. Wagener on the fact that it is necessary to opt for a focused survey by selecting relevant ethnic groups and fields of research. He finally mentioned his appreciation for UNDP initiative and requested all concerned authorities to provide the necessary assistance and collaboration.

The Project Document is approved and its final version will reflect the additions and useful comments made in the LPAC meeting. The Project Board shall also include representatives form the Lao NCAW and Lao Women's Union. The project will commence on 2 April 2009.

Date: *April 4, 09*
H.E. Mr Ket Kiattisack 
Vice-Minister of Justice

Date: *April 6, 09*
Ms Sonam Yangchen Rana 
UNDP Resident Representative

Participants:

Chairs:

Mrs Sonam Yangchen Ranā, UNDP Resident Representative
Mr Ket Kiattisack, Vice-minister of Justice

OSPP

Mr.Khamphet Somvolachith, Deputy Director
Mr. Somboon Latsabuasy, Chief of Cabinet

LFNC

Mr.Sosonephith Phanouvong, Deputy Director General, Ethnic Group Department

MOFA

Mr. Phoukhong Sisoulath, Project Manager, International Law project

People's Supreme Court

Mr. Sengsouvanh Chanthalonnavong, Judge

MOJ

Mr. Ketsana Phommachanh, Director General, Law Research and International Cooperation
Institute
Mr.Souphy NORINTHA, Head of Division

NUOL

Mr.Sengdeuane Wayakone, Associate Professor, Director

UNDP Lao PDR

Mr. Dirk Wagener, Assistant Resident Representative, Head of Governance Unit
Mr. Laurent Pouget, Legal Specialist, Governance Unit
Mr.Mitthavisouk Rattana, Programme Analyst, Governance Unit