



## **Meeting Minutes: Local Project Appraisal Committee Legal Sector Master Plan 2020 – Initiation Plan**

**Date:** 1 August 2008  
**Time:** 9am -11am  
**Venue:** 3<sup>rd</sup> floor conference room, UNDP Office, Lane Xang Avenue,  
Vientiane, Lao PDR

### **Agenda:**

1. Welcome – Mr. Stéphane Vigié
2. Presentation – Mr. Dirk Wagener
3. Discussion
4. Closing – Mr. Stéphane Vigié

### **Introduction**

Mr. Vigié welcomed participants to the LPAC meeting. The meeting was explained in the longer term context of support to the Lao PDR legal sector; from the earlier evaluation of the legal sector to defining a solution in the form of the Legal Sector Master Plan (LSMP) and now to the Initiation Plan (IP). The transition of the LSMP to this new phase would determine how to implement the reforms detailed in the LSMP.

Mr. Vigié reminded participants that the LSMP is ambitious and that not all proposed reforms could be undertaken immediately, making priority setting a key goal of the IP. It would also be important to consider potential partners and donors for the broad programme of support necessary to successfully implement the LSMP.

Mr. Vigié advised that certain preconditions had to be met to move the LSMP to the next phase. These conditions were recently achieved:

- Assurance that the LSMP was owned by GoL and was in principle endorsed - this had been given by the MoJ;
- Confirmation that the MoJ were ready to take the next step towards LSMP implementation and prepared to take the lead; and
- Seed funding for the IP and start-up activities, which had been secured from France.

Mr. Vigié briefly explained the main outputs of the IP which would be covered in the presentation on the IP.

## **Presentation of the Initiation Plan**

by Mr. Dirk Wagener

Mr Wagener opened by providing an overview of the Rule of Law in Laos, explaining that the GoL had made a commitment to the Rule of Law in 1986 under the NEM and it was anchored in the constitution of 1991. Reference was made to related UNDP Rule of Law governance projects such as the Lao Bar Project and the National Assembly Project.

Mr Wagener explained that the LSMP was the end result of a number of UNDP projects of support to the GoL. It was hoped that the LSMP could now be implemented through a comprehensive programme of assistance which would provide a reform platform for donors to channel their support.

It was acknowledged that the LSMP was still in draft but that it was with the Prime Minister's office and it would hopefully be endorsed by 2008/2009.

Mr Wagener gave a brief summary of the LSMP and its 4 pillars of reform. He explained that the IP sets out the plan for a transition phase which would allow the LSMP to move from a document to an implementation phase and provide donors with a broad platform to support this. The IP would enable the GoL to determine how to implement the LSMP and also garner support (including funds) for its implementation. The main outputs of the IP are:

- 1) Implementation options paper and consultation
- 2) Document of implementation
- 3) Start-up activities

### **The chair opened the floor for discussion:**

#### *Ministry of Justice:*

Mr. Soutta Chommany, Chief of Cabinet, MoJ was chairman of the drafting committee of the LSMP and noted that the draft had been submitted to government on 15 December 2006 but was not considered at the cabinet session in February 2007 due to deliberations on other items before cabinet.

Mr Soutta stated that the MoJ agreed with the current version of the LSMP and will do its best to encourage the GoL to approve it. The MoJ was ready to coordinate with UNDP on the IP and implementation of the LSMP.

#### *Ministry of Public Security:*

Mr. Thongkhen Bounmanh, Director General, Research and Science Department noted that the drafting committee of the LSMP has already improved the LSMP during consultative workshops in 2006. There was a need for a new momentum to drive implementation of the LSMP and was pleased to see the UNDP doing this through the IP. Mr Thongkhen agreed that implementation of the LSMP could begin while awaiting approval. He noted that the Law on Laws was a very important first step towards Rule of Law in Laos, along with effective enforcement of laws. He noted that under pillar 3 there was an urgent need to build people's capacity and under the 4<sup>th</sup> pillar there was a need to ensure ethnic groups were assisted to access information about laws etc. Mr Thongkhen congratulated the UNDP on its move to implement the LSMP.

*Lao Bar Association:*

Mr. Phoumy Sioudomphanh, President of the Lao Bar Association, thanked the UNDP for its support to the legal sector and stated that he fully supported the GoL in establishing a Rule of Law state by having a concrete policy platform. Mr. Phoumy said that he was very keen that the Lao Bar continue to operate independently and that a Law on Lawyers should be promulgated. Mr. Phoumy was unsure whether the LSMP detailed the need for such a law and other reforms necessary for a functioning independent Bar Association.

*Office of the Supreme People's Prosecutor:*

Mr. Somboun Lathsabouasy, Chief of Cabinet, congratulated the UNDP on the IP and confirmed his approval for it to mobilise parties and donors and create a platform for coordination while waiting for the LSMP to be officially approved. Mr Somboun would like to see the projects (strategy plans) identified in the LSMP to be discussed with relevant stakeholders through workshops.

*UNICEF Lao PDR:*

Ms. Vicky Juat, Chief of Child Protection Programme, asked whether the UNDP would consider simultaneously undertaking further consultation on the LSMP while implementing the IP.

*Supreme People's Court:*

Mr. Bouathong Chanthamaline, Chief of Cabinet, agreed with participants comments. Mr Bouathong stated that the Supreme Court had already begun to implement some of the reforms detailed in the LSMP and did not consider it necessary to wait for government approval to implement the LSMP. Mr Bouathong expressed a desire for reform to focus on human resource development in the Supreme Court.

*Department International Corporation*

Mr. Morakot Vongxay, Acting Director, UN Division, gave his apologies that the leadership of DIC was not able to attend the meeting. He stated that the 5 months duration of the IP may be too short with so many activities to complete and questioned why the budget available had increased since the first draft of the IP. He noted that the LSMP had already been thoroughly discussed with stakeholders and that it was in the National Socio Economic Plan. Therefore, MPI agrees to go forward in the absence of formal approval and endorse the IP.

*Ministry of Foreign Affairs*

Mr. Bounpheng Saykana, Deputy National Project Director UNDP International Law Project noted that he had not received the LSMP for comment and requested that it be circulated again. He noted that the reform programme needed to be wary of being overly-ambitious and should properly priorities activities. Mr. Bounpheng also noted that the International Law Project was in the process of formulating a new phase and he wanted to ensure this was aligned with the LSMP. Mr Bounpheng agreed with the comments of approval of the IP but noted that endorsement by GoL of the LSMP should also be addressed.

**Response to questions: Mr. Dirk Wagener**

Mr. Wagener was encouraged by the positive responses to the IP from participants and addressed some of their questions directly:

To Mr. Phoumy Sioudomphanh, Lao Bar Association – the LSMP stipulates a subproject for strengthening the Lao Bar Association which also identifies the need for a Law on Lawyers.

To Ms. Vicky Juat, UNICEF – the updating/ revision of the LSMP will be concurrent with the IP. UNDP can support a revision of the LSMP but this would be a parallel initiative to ensure the reforms in the LSMP get off the ground. Suggested to get cabinet to approve LSMP as it is and then make revisions/adjustments (dependant on request for assistance on this matter from GoL).

To Mr. Morakot Vongxay, DIC – the initial budget for the IP was lower as UNDP has since added UNDP resources to support initial start up activities. The duration of the IP is short and comprises few activities because its chief purpose is to help define a longer term program.

To Mr. Bounpheng Saykana, MOFA – one of the core elements of the IP will prioritize activities. Aligning the International Law Project Phase III to the LSMP was a valid point - the Chief Technical Advisor undertaking the formulation was present at the LPAC and briefed on this, ensuring alignment.

#### **Further Comments and remarks by participants:**

*MoJ:*

Mr. Soutta noted that he understood the GoL did want some of the drafting in the LSMP to be improved but that without formal comments it was difficult to make amendments. Mr. Soutta urged UNDP and other stakeholders to encourage the GoL to approve the LSMP.

*SPP:*

Mr. Bouathong stated that he wanted the LSMP approval process to be accelerated; he suggested that a high level workshop involving all relevant ministries be held to discuss the LSMP and encourage comments. Funding for this would be needed, ideally from the UN with MoJ leading the process. He stressed that if MPI approved the IP then LSMP can be implemented.

#### **Conclusion:**

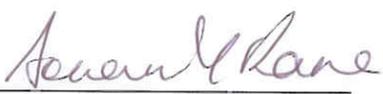
*On behalf of the chairpersons*, Mr. Vigié advised that there was an appetite in the UN for further support to the legal sector. He recognized the need for the LSMP to be officially approved and noted this would be discussed further with MoJ. To this end, an output would be included in the IP to support the endorsement of the LSMP. In addition, the Governance Sector Working Group ('GSWG') would be utilized to raise this matter. Mr. Vigié stressed the need to re-create momentum with some start up activities. Next steps:

- GSWG in September would raise the need for LSMP endorsement
- Adjust IP to reflect today's discussions
- Begin implementing IP with emphasis also on start up activities, focusing on the establishment of the Inter-Agency Working Committee as the coordination mechanism for the LSMP

The LPAC was thus endorsed. The LPAC recommends that the IP be signed by the UNDP Resident Representative.

Date: August, 2008

Approved:

  
(Ms. Sonam Yangchen Rana, Resident Representative, UNDP)

**Participants:**

**Chair:**

Mr. Stéphane Vigié, Resident Representative a.i

**DIC**

Mr. Morakot Vongxay, Acting Director UN Division

**MoJ**

Mr. Soutta Chommanichanh, Chief of Cabinet

Mr. Ketsana Phommachanh, Director Law Research & International Cooperation

**SPC**

Mr. Bouathong Chanthamaline, Chief of Cabinet

**OSPP**

Mr. Somboun Lathsabouasy, Chief of Cabinet

**SIA**

Mr. Souphavong Vanthanouvong, Technical Staff

**MPS**

Mr. Thongkhen Bounmanh, Director General, Research and Science Department

**MOFA**

Mr. Bounpheng Saykana, Deputy National Project Director UNDP International Law Project

Mr. Sam Blay, Senior Technical Advisor UNDP International Law Project

**Lao Bar Association**

Mr. Phoumy Sioudomphanh, President of the Lao Bar Association, National Project Director  
UNDP Lao Bar Association Project

**Office of the Resident Coordinator Lao PDR**

Ms. Louise Scott

**UNICEF Lao PDR**

Ms. Vicky Juat, Chief of Child Protection Programme

**UNODC Lao PDR**

Mr. Richard Philippart, Governance, Human Security and Rule of Law Advisor

**UNDP Lao PDR**

Mr. Dirk Wagener, Assistant Resident Representative, Head of Governance Unit

Ms. Oraxone Vissapra, Governance Programme Associate

Ms. Gemma Archer, Governance Programme Associate

Ms. Heather Shere-Massey, Governance, Internship

Mr. Iori Koto, Head of PMSU

Ms. Linda Norgrove, Head of Environment Unit

Ms. Harumi Fuentes, Programme Analyst, Poverty and Economic Unit