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1995-07-18

Institutionalizing experiential learning in the process of strengthening Lao PDR'S legal framework

<https://hdl.handle.net/2144/29924>

Boston University

INSTITUTIONALIZING EXPERIENTIAL LEARNING IN THE PROCESS OF
MAKING A NEEDS ASSESSMENT TO STRENGTHEN
LAO PDR'S LEGAL FRAMEWORK

I. Principles:

A. The needs assessment process should aim to formulate an overall long-term plan consisting of projects in each functional problem area based on prioritization as decided upon by Lao to build Lao capacity while strengthening Lao's legal framework in major functional problem areas.

B. All steps -- from the original assessment of needs, to creating program documents, to the actual project -- should ensure Lao play a leading role in the process.

C. Lao personnel, together with foreign consultants, will identify the institutional features of relevant problems in Lao's unique country circumstances, ensuring proposed projects address the causes validated by adequate evidence.

D. The needs assessment process should center on major functional problem areas related to strengthening Lao's legal framework at the national, provincial and local level which previous discussions have identified as four:

1. The law-making process: This area consists of two major subdivisions: a) from the initial policy formulation to drafting the bills and regulations; and b) consideration and enactment of those drafts by the appropriate governmental authority;

2. Dispute settlement institutions: These include courts, arbitration, and customary forms of dispute settlement;

3. Law implementation and monitoring: This involves institutionalizing participatory mechanisms for evaluating and improving all aspects of the legal framework;

4. The legal profession: This includes the education and institutional organization of personnel to service the legal system.

1. The two UNDP-financed consultants here to work on regional civil aviation legislation have agreed to consider working at the January MOJ workshop with an interministerial team appointed by the responsible Lao institutions. They will provide their own interpreter and identify and finance the foreign consultant.

2. The bill and research report when completed will have identified the necessary personnel and equipment for training which, once the Lao authorities accept them, the civil aviation project will presumably then finance.

C. Environment:

1. A Norwegian consultant has completed a review of the existing legislation and institutions currently in place to enable STENO to deal with Lao's environmental problems. What now seems necessary is further research to explain the causes of the apparently widespread failure of existing institutions to implement the lawmakers' intent, and design a project to overcome those causes.

2. The Norwegian report suggests a joint Lao-Norwegian team should design and undertake the necessary research for providing a program to improve the nation's environmental law and strengthen STENO's capacity to provide the leadership required to implement it. If the Norwegians and MOJ agree, that team could participate in the January workshop, learning to use legislative theory to guide the research essential to translate the proposed environmental policy into law; and the Norwegian participants would provide the foreign consultancy component.

3. Presumably, once the team had formulated a preliminary draft bill and research report, they would then work with the Norwegian consultants to implement the research essential to finalize the bill and report.

4. If the Norwegians and the Lao government authorities agreed, then, once the Lao government had enacted it, the Norwegians would finance the necessary training and

equipment STENO required to ensure the bill's
implementation.