

Notes on UNDP involvement and future drafting projects

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Boston University

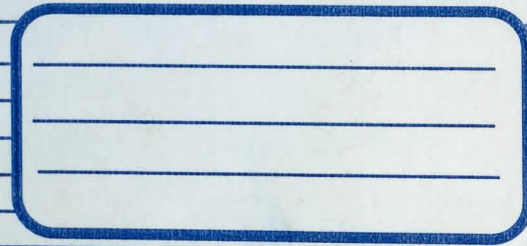
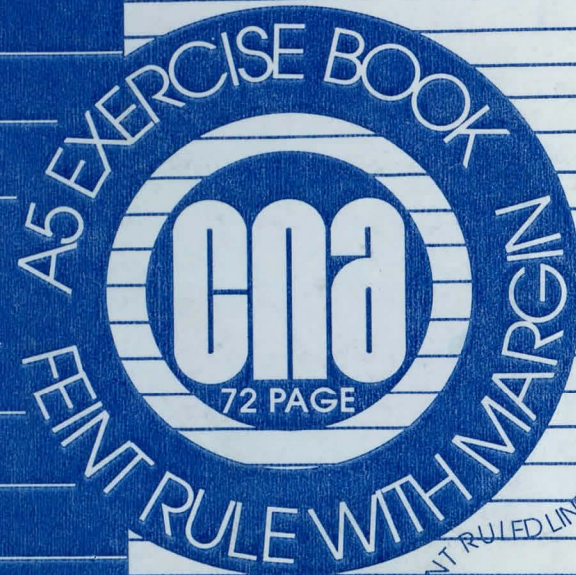
FEINT RULE WITH MARGIN
72 page exercise book

LENGTH OF CALENDAR MONTHS
Thirty days hath September, April,
June and November. All the rest
have thirty-one except February
alone which has but twenty-eight.
(And twenty-nine in each leap-year)

QUALITY PRODUCT. KWALITEIT-PRODUK.

ena

ITEM NUMBER: 700436 A5. 72F.



UNDP - Jan 4: Jan Mattsson, Jan Hiesman, Yvonne.

Hello Mr. _____ (?)

Mustafa El Enay } IIRD
Linda Schneider }

He'll come Jan. 10; she'll

been here a long time, often used for IIRD con-
Sultany, when on SIDA proj/Gazette = respected/govt,
knows Laosi unhappy w-^{prender} IIRD mission, respected ^(sic) proj
= helpful in chg proj.

Gillespie/Australia

~~Leon~~ Gian Bianconi/France = works at ENAR; has

TOR, but ~~won't~~ ans'd ~~well~~ - when meet Linda
(Jan 5) include him; std = on bd = part of
strategy: getting everyone on bd who has

int: Sweden = active, on-going proj: GAZETTE

Bar Assn, sit tm workshops, non-for-profit lawyer

= not coherent or effective. SIDA mission

not too pleased (will be back next week)

Next phase, Sweden plan long term suff/law

Schl = st. from low level = mission/Oct,

2nd draft today, part of proj = low Schl

= "Umv," 5 yr. underway. When std Thorge

re UNDP, also thought re long tm, but Q =

What else will Sweden do: - w- this mission

→ big picture of all needed, who will do

what; too bad Sweden ~~at~~ & Norway didn't
get parties/mission; Norway has no
prog here; Swedes been here long time =
2nd best prog; in Afg, Norway expr'd
int/legal reform/econ, (but per-san driving
it moved to Afg) esp int'd environment/
water resources leg/hydro power;

Towards end of mission, → wrap-up &
left, invite rep from Bangkok, or
will inform them later; French &
Australians = int'd in law etc;
Australians offer scholarships = lawyers;
also int'd in law schol → nec. to avoid
duplic. w. Swedes;

Re IBRD: previously = ec. leg in
narrow sense, not sure will open
up, or int'/ec. leg / M of Fin or
Grdn? Probably won't move as
far as UNDP = better way pick
up legal drafting aspects = Grdn;

Background: re this Mission:

Re 5 yr UNDP plan = proposed
Ph. II / old proj = same as ~~before~~ Harvard

= gd / Ph I; Ph II = crit'd = impt. / Harvard / wild-wld succ.
∴ worried re rept in; but UNDP felt need to
open up → New Proj; In from Ph-I, II for
it → capacity bldg → ensure Leo people take
over drafting process, "too impt. for lawyers
to takeover" + expand to brodr areas of
leg; Luckily, gov't side → more activ / M of J
→ ^{gov't} rather saying now wkd w. M of J = memo
/ IBRD, UNDP, Harvard → reopened. Frankly,
IBRD didn't say = unhappy, but it upset
their plans; IBRD has no office here, wk
closely w. them = not push too hard;
"got what we wanted" = reason for asking
mostafa = team ldr of Gov't = underlying
tension, not unhealthy).

Jan Mattson:

Re reasons for failure:

M. M. Justice (formerly agr. ldr): int'd
& consid, but his prob (rest of gov't)
= lack awareness of state of law & capacity
= grtr than anywhere else I know;
left re human resources & capacity =
low level / drafting + policy-making capability

Jan H.
[deliberately, govt has not incl'd law/minis,
but inst'd = "moral contract" - ie long
abt minerals, wkg out specific contracts
w. indiv investors]

Re status of law = fear of law by gov't;
eq. for. inv. law \rightarrow passed but not imple-
mented;

Mattsson: 2 reasons why shd work w.
Committee for Planning Coordination -
(All donors must go thru CPC -
and FAMC - for. asst mgmt cttee):
UNDP asst'd CPC/aid coord, to
link aid flow to pub. inv. prog
budget (= same size as aid flows ^{revenue} \rightarrow
∴ must link), asst Mof w.
budget & aid flow, everyone go
thru same window, prioritize;
when had preparatory wkg w.
MoJ, had inst'd CPC; orig exp'd
CPC have all power, but \rightarrow compromise
= FAMC, w. same chrmn, Camhury.
+ other mins. = strengthid w. people
from home ministries = std 2 mos. ago.

Acctg to aid coord devce, over \$1 m.
goes^t to Cabinet, under \$1 m = to FAMC
= under Cabinet -

Regarding funding: IBRD needs memo for
its \$460,000; UNDP has proj document
= program framework for each of 2
documents, ~~to provide~~ build UNDP
document in modular form; not nec.
that UNDP find specific modules but
for donors, want to fin. specific
"pkgs"; not sure if want init. doc.
to cover all modules;

Bob: UNDP = donor of last resort, for
proj's not covered by others, ...

Mattsson: rather see ourselves as donor
coordinator, not as of last resort, but
as asst govt coord aid flows to
specific sectors; by doing needs
assessment, thus w. donors/their
contribs, resources go directly to
chry, or via UNDP (which prefers
economies of scale, = service); might
= same area others won't fund, in addn

UNDP old take leadership, etc. in drafting
 - something new being here;
 2 pts: (1) UNDP = judged by performance
 & in terms of impact: high impact,
 eg. re nat'l devel (as op'd to only for
 inv) (2) human rts; UNDP = more
 neutral; ~~eg.~~ get chrs to assist
 indirectly via UNDP - Note: UNDP
 = shopped globally, but worst hit
 here because put so much in;
 ∴ big challenge to get donors to
 work together - document →
 used as guide for all donors.

Dr. Houy: Jan. 4 (at M of J)
 Why re prog. re resp. on Lao side:
 (1) introd. minister, then invite
 everyone incl. team to meet
 together. decide whom to meet.
 (2) Explain re process how draft
 law + c
 (3) Org. of M. of J:

"Law Elaboration in Lao PDR"

- Steps
- (1) draft by organiz'n concerned -
 eg M of J / laws / M of J
 Min of Const / Law / M of Const
 - (2) draft goes to "public" for opinion -
 i.e. Ministries, Service, provinces,
 district, villages - if law = imp't
Ec. law stops at min level,
 since dists, etc = rep'd / Nat'l
Assembly;

Summarizing System:

- (3) Comm. of Law / in M. of Justice -
 = ^{reps} ~~members~~ from National Assembly = ~~10~~ 10
 Sup Ct.
~~Att. Gen'l~~
 Legal Prosecutor
 Judges
 Experts from Min. concerned

- (4) = final draft / law: gd, acceptable;
 Min of Justice sends letter to gov't
 i.e. Nat'l Ass. - which has
- (5) Study Chce of Law 100 members =
 SPT
- (6) then goes to NA for vote / ST
- (7) then to President of State →
- (8) official ^{proclamation} Gazette for publication

⑨ Implementation: Empowering
Min concerned → decree (or
from PM) = draft decree
re implementn, goes b^t to
PM - then = executed.
Draft → law = passed by NA (sot)
= extraordinary session; now
→ meets Feb + June to
vote/law; or can ~~wait~~
3rd time: / 1995: Feb, June,
Sept. = 10 laws passed

Qs: Bob: Who decide priorities
Hoy: Who drafts law: ① All mins.
② Sup Ct. ③ Gen'l prosecutor
④ Mass orgs: women, bus, youth, etc.
Then all must go to MoJ
+ goes thru steps above;
MoJ decides, in contact w. NA
+ PM, submits priorities;
at ~~best~~ ^{Cabinet} mtg / work: MoJ,
presents list to Cabinet;
All mins. send proposals for
various topics / MoJ orgs
mtg w. other mins → disc.

then MoJ takes to Cabinet its
proposal; also goes to NA
to disc. priority; CPC not involved,
~~but~~ partic. in
Org. mtg. of govt, incl. CPC to discuss
priorities/yr., submit to ^{Cabinet} govt →
appr'd by PM; CPC recs. plan, if
CPL obj's, can disc. w. MoJ; if
object, MoJ takes into acct, ~~agree~~
BS: Is there a cabinet memorandum, decree,
regulations re this process; Ans =
Common notice, gives MoJ.

Bob: People who actually draft in mins. - what
capac.

Hoy: Each min ~~has~~ supposed to have a
lawyer + 2-3 people resp. for
law; if agree will invite a lawyer;
Some mins. have more skilled
persons, others: less; eg M. of Ed,
know = someone = qualified to
draft;

Bob: What kind of staff on Comm. on laws
in MoJ.

Houy: ~~People from~~ CHee has staff;
also invite foreigners to hold
seminar before go to M. J. Chee;
eg Water Law Bill: M of I:
~~drafts bill~~, UNICEF first drafts bill
for Min of Ind, goes to M. of Ag
& Forestry, ~~then Min~~ if takes too
long, Min of Ind wants law/hydro
power i, orgs seminar, org'd
by Norway supplies experts
(decided by Min of Ind & Norad
together), send to M of J to
record.

Bob: 2 tech jobs to do (1) technical/
^{- not complete} law; (2) words = clear;

Houy: M of J has staff who do this
job = ~~foreigners~~ ^{- trained in diff} from several
^{& Lao Univ} chiefs = young lawyers ~~from~~ ^{from} Ho
= 10, some w. draftg lang -
but every new law invite foreigners
to hold seminar on relevant
for. law elsewhere; experience
+ Lao experience, etc.

recog. in ec. field, must learn from foreigners;
but justice / Lao custom & trad.

Jan H: In diff mins, each decide priority, sts.
w. them? no overall plan?

Houy: Plan now to yr 2000: Now have 20
laws, M of J centralizes list, submits
to common mtg → appr. = legal plan to
yr. 2000; can give you '95-'96 laws:
= flexible // needs of govt; eg land law
= #4, but if rec → #2

Ann H: How long law → enacted

Houy: 2-3 yrs, tho effectively, wk on
law 2-3 mos.

Bob: What documentation will Min provide
drafts re proposed law

Houy: Foreign experts provide documents/
many chrs; then hold seminar, invite
expt (Harvard) 2 yrs, or Singapore, Thailand
= give document = ~~then~~ ^{M of J committee of} drafts Law
2-5 pages re bill; M of J CHee
discusses = 1 mo.

Bacar: How many laws = prepd / '95 = 3-4
ready for Feb, 1995.

Since 1975-1984, no laws, deus.
of govt; Since 1986 → draft laws
= legal frmwk = realized 1st law
in 1989 → penal & civil code;
Const. = 1991; now = 27 laws
incl. ec. areas;

Bob: Re decree for implementation: what
form?

Houy: Promulgated by Pres. of St, goes into
Gazette; Min. decree expls detail -
how to org bd, etc., submit to
MoJ. chf; often w/o experts

Implementing law = difficult; if
not implemented, = not good;

Idea now, est. ^{team} ~~chf~~ to review
use of law → analyze why;

* need frng
② also Sup Ct & NA, draft expl.

of law → sent to where
chf for all cts = similar interp.

& similar provisions; Study Chf/NA
shd have ~~not had~~ rt. to say rt or wrong;

also can amend law & its interp.
Most chfs dep on Sup Ct, but in Laos

Sup Ct = dep. on NA (= rep. body = final
say);

Re CPC: every wk, ^{higher} mtg. decide; staff
mbrs go along.

MoJ has rt. to propose laws, attach
doc/letter for reasons, sent to CPC
or to PM or both. to ask their
opinion; after recs doc., exam →
review once more, writes his opinion.

Re bill on Lao PDR Bk (Central Bk):

1st St Bk drafted bill, used own expt + foreign
expt + seminar, invited expts; sent to
diff mins/view; the deus re who gets
draft, depts on "boss" (min) = deter'd by
circs; MoJ may recom. who to rec.,
send w. 2-5 p. rept;

no criteria =
his discretion

Bob: What = biggest prob draftg

Houy: Qualification of Lao drafters = insuffic,
* esp ec. leg; to draft law (after
fr. expert gives seminar) have trouble
assessing how to relate to Lao circs;
can lrn technical info - eg use of computer
but need to know how to think abt how

fits Lao circ.) We must be modest: we don't know ec. mech/mkt syst; exchq w. foreigners, but trad.; must st. for. law exper.

Jan H: For inv. requires knowledge of for laws -

Hany: Lao policy = opening to for. inv, but don't know abt this syst; must provide many laws, nobody will inv = nec. to have laws - eg acctg, promissory notes, etc. can't say have them.

Re phase I & II difficulties:

Re good aspects: Now ideas / how draft ec. laws / mkt syst; org. seminars / many laws - eg promissory notes, bankruptcy, ~~etc~~ land law, etc; also learn how to draft law = ideas / draft. chng. re admin & law; also re appr. role of law

Reasons for failure to pass laws:

Missed = no effect: ① ~~the~~ RLA:

= lmt'd knowledge; human rels = no coop, not flexible; w'd only on mgmt of proj. // 1 firm; and all decis. w/o regard to chng needs;

② when draft, not conformed to Lao circs; take from big chng, 2 wks, not based on Lao sit; ③ don't have "energy" to "push govt" to pass laws; ④ sp't time on mug funds, org seminars, not; ⑤ don't fix prog. what Lao side shd - ie not collaboration; eg re for. inv., must get Lao agmt re priority; ⑥ get little result

* Now must Do By SELVES: Have set up a procedure which, if followed, will facilitate this

Jan H: Min of Ag says want asst/draftg eg re river valley laws - eager to partic. -

Hany: Ag. Min wants help; w'd like asst from consultants

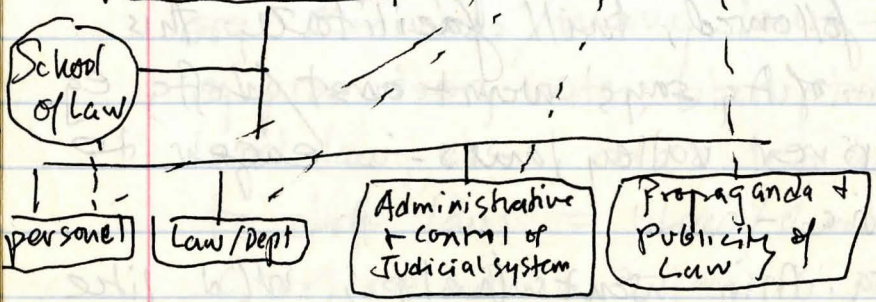
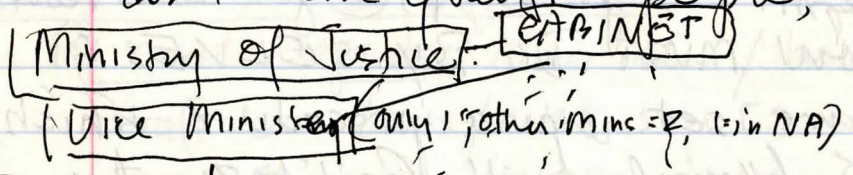
Also need impr'd legal education

* If can asst / new generation of lawyers → helpful -

Propaganda of law - Gazette, press, tv, seminars; justices; army officers; "enforcement of law" - Ct's' deis → est'd, but not enforced because police don't agree; eg law says can't detain more than 3 days, but police don't understand, hold for 1 month.

* Evaluation:

Analysis: why ~~can't~~ can't enforce: need to figure out, then One dept in MoJ = resp. for analysis; don't have qualified people;



Schl of Law = indep, but under MoJ, coops w. personnel dept/MoJ = no. of sts, Dept of Law: drafts laws, gives legal opinions

hope this division will handle evaluation.

Admin & Contr. of Jud. Syst - ^{provincial} courts, courts, justice services, ^(incl. district etc) notaries, Bar Assn (22 lawyers), arbitration = very big, 10 people to deal w. all 4 subdivis (Note = 18 provinces, 135 districts); arbitration = (50 dom, 5 people); Now plan 15 lawyers for each subdivision but structural adjustment prog. requires no more than 68 people for whole ministry - ^(now have 58) plan to recruit from outside = free; call law school = indep. outside 68 int; at ¹⁸ provincial level = int'l to 386 people, but ~~so~~ need 50 for each

Cabinet: 4 divisions: ① ^{external relations;} ~~foreign coop~~; ② finance; ③ logistics: bldg, etc. ④ secretary; + special divis = central coordination; every min send 5 rept/wk, (=only rt. to communicate to outside) = supervise & distribute work to mins & min's depts;

Re difficulty of drafting:

Heavy: Qualifs + not Conf drafters; Bob:

Jan. 4 - San Heif man

UNDP doc - \$500,000 / ^{leg drafts;} concern re other donors = modules to be completed later in coop w. others

Mr. Houy: 20 people, legal teams of all Mins. -

- ① Gov appr -
- ② Their comments

Rel. bet. laws & decree: State President promulgates decree

- 1) Const.
- 2) Law
- 3) PM = decree
- 4) decision of Min

1st step, Lao passes decree = experiment; when prove useful → law; eg 1st int. decree (Salavase) = experiment, now → law

2nd kind of decree = administrative: to implement = enforcement: aim to make law 'have a value'

ie how, PM. gives govt val;

① Pres. ^{States?} decrees = to promulgate laws, reg. ^{ratification of} ~~contracts~~ - rels w. foreigners (convention, treaties, contracts, etc.);

② Administrative decree - signed by PM - corruption: comptroller supervisor, but no law yet; M. of F has inspection dept; higher levels have office to stop corruption;

In exp: 5 systs: ① part ② coop ③ st ④ family ⑤ foreign inn.; part = limited resp co,

Enterprise law

shareholder/coop; jt ventures; single entrepreneur; coop = various forms, incl. community minors own shrs;

st. = some monops - water, elect, milit, pharmaceutical; calc

jt venture (w. Thai): form = minors of fam.

Minister: Jan 5: MoJ

Before this mission, elab of law = in PM's office, now in MoJ - MoJ Analyze leg before gov + Calc, NA -

After NA adopts law, MoJ makes 'propaganda' → understand law; Must org. implem. of law - Mission to control local cts for Sup. Ct. + NA; also contr. local cts & supervise Ben than + arbitration;

Legal education / School of Law

For this proj, team to work:

- ① Geteanga = closely wk w. Proj.
- ② Consider this as Ph. III; some observations / I, II; Calc st.

a) org'd tech seminars; but experts don't understand Lao circumstances; RLA don't understand govt pol, culture; b) Before draft, invite for-experts org seminar/his law, provide exper/other choice; to ~~assist~~ assist Lao expert to compr. for Lao h + E; → understand prob.

Also need to learn how to draft good report; ∴ Ph. III use Lao conception + pol; after finalise drafts, already consider all there; final phase = NA review, chg. NA's duty = constituent ass; story of our chry:

① = duty to centralise pow. of people.

② + draft const. = 3rd mtg of NA (before = pop supreme Ass); = resp to review law → passed by NA = full power to chg +/or accept or reject ∴ = 2 missions: a) policy of chry; b) legal direction; to gran 'gd' law, must org propaganda seminar to understand law before enforce it, mk list of bills/objectives: ① org sem; ② reshape law

+ legal ed; = fix diff tasks/diff obj's; concerned for experts → invited from time to time → choose for experts/topic in past, 1 RLA didn't do anything; eg you = profs, org seminar → everyone to learn; but then LV = another way ∴ org other experts, can invite us/sems. in Lao, promote women → lawyers, incl. women teachers to teach women lawyers; chg/subj. invite you to evaluate prog. goa -

Re policy/legal framework:

Economy of Laos dep. on nature (not ind) = 200,000 farms dep. on ~~temp~~ ^{temp} for loads of yrs; read / U.S. destroyed forests ∴ to stop mis-use of forests, govt pol, using mkt mech, must stop it; Lao policy / mkt ec syst = protect gd in mkt, before prod of gds/trd, must use ^{Lao} resources; suppose in Laos, 200,000 km², ct on rain = 1000 mm rain/yr = avg = mountainous region, must consid how to use/well-being of people = conserve water;

- 1st priority = hydropower; but must think thru connection w. forests = priority; re IVEM: identify gds/expts & local use, est mkt zone; in Laos have land, water, mng → fix zone/mng → draft law; if est zone, need funds to inv; = 2 laws = ① for inv. law (have it); ② dom inv. law / promote Lao cos./ funds tech, etc. offer Lao capac to for. inv; smll size firms / smll tech to Lao people; before everything = st, need teaching, res / prt. sector but some reserve / big cap. / st. eg hydro power; + impact on forests - so common prog = maint. peace, resolve conflicts among people; maint equality & justice w/in pop; eg male-female equality; law cld fix equality, but long customs = unequal; - how to get people to chg custom →

(Jan 10 - 11 - Jan: Sum / disc. a ppr)

respect equality; ~~penal code~~ penal code → punishment if hit wife = 3 mo / yr jail; consid land & res. belong to Lao people, if prods / land = rt to transfer, inherit, can sell; if do nothing on land, can't sell; = syst. of ec. mech.; must see connections bet main law & other laws.

B 36
Reimplm

When draft → law → propaganda / implem, how implem: M of must prt. laws to orgs etc, police, etc. everyone - Sch of law → ed

Every min est legal team / specific probs / min; also more orgs est own ^{legal} teams // nat'l construction - protect ethnic gpps / own cities, join / Lao nat'n = in const, but need dral specific laws

Policy / Law = ① democracy + ② human rights; 1st prob / ec. prob at then think / culture = 2 sides of 1 + 2: if people = poor, = no equality; rich must respect poor / culture; poor must reflect / culture → equal -

Jan 5. Davao Houg

~~the~~ laws; decided this year (proposed by Min. of Justice + meeting/disc; + letter to PM)

① On procurement: purchase of materials by govt for all purposes

one law } ② Check law + negotiable instruments - are using checks for bus, so = for pay wgs

③ Promissory note:

④ Land law (have property law) = how to use land for diff. purposes: housing, farming; have a decree, but Q = upgrade to law -

⑤ Agency law: ~~create agent~~ forms of bus. orgs except corps; incl. partnerships, etc.

⑥ Law against monopoly: { protect consumer prevent single firm dom.

⑦ Domestic investment: Ind'l pol + protect dom inv.

⑧ Taxation law: (now collect revenues under decrees) income, corp, property law (city), but not in city-side (in villages, local govt allocate land/use)

⑨ Water law - protection of all water resources (combined w. environment) (undergrd, on surface, 'above surface' - incl. inventory of water, prevent pollution)

⑩ Mining law -

⑪ Forest law - (upgrade decree)

⑫ Commercial law - (have enterprise law)

⑬ State domain: what belongs to state -

⑭ Tourism

⑮ Transportation law -

⑯ Special zone law: ^{special} economic cond./inv. -

⑰ Arbitration law (have decree - want to upgrade) for business/economic conflicts w/in Lao + ~~also~~ w. for. ints. (have signed Wash. Conv. (?))

⑱ Telecommunications law

⑲ Administrative law: powers of provinces, dists, vills/organization = local ^{govt} ~~admin.~~ law.

⑳ Administration law: powers of central govt agencies

㉑ State employees laws (civil service)
㉒ ~~city~~ ^{city} ~~govt~~ municipality law

(23) Road protection laws - (could this be included in highways law)

~~24~~ Review laws for amendment:

- ① Penal code/law (presently 11 Fr.)
- ② Law on criminal procedure
- ③ Civil law - incl. fam law, property law, contract, extra-contractual law, (ie tort law) etc.
- ④ Civil procedure
- ⑤ Org. of courts -
- ⑥ Prosecutor org. law.

Feb 1995: 6 laws to NA = drafted: will → submitted to NA

- ① Domestic inv. law - (drftd by Lao)
- ② Taxation law " " "
- ③ Administrative law (civil service)
- ④ Water law
- ⑤ Forest law
- ⑥ Military services

Apr. 1995: Org seminar on Tourism law before drft;

- ② Land law; ③ Urban plng ④ Environment law (will find expts/UNDP); have no funds - but if Proj. goes thru, will use funds!

June, 1995: For submission to NA ① Commerce Law; ② Mng Law; ③ St. Domi

Law; ④ Local municipality law; ⑤ Land law; ⑥ Tourism. ^{have had other seminars.}
⑦ Culture law

Sept. 1995: ① environment law; ② Urban Plng Law

③ Civil servant Law

~~Sept~~ Seminars on ① court org; ② Prosecutor ③ Criminal Prosech.

④ Civil procedure;

Dec. Seminars ① arbitration;

Jan Seminar 1996 ① Special ^{economic} zones ②

Apr. ¹⁹⁹⁶ ① Check law ② Promissory note ③

July Seminar 1996 ① Communication law; ② Transport'n law;

Sept. 1996: ① Procurement law; ② Agency law

Attendance at Seminars: 20-30 people (incl. drftg team)

MoJ, NA, Pm's office; + relevant mins

Have drft law, propose to bring consultant to disc. FL + E; have sent documents to for. expert in advance, who provides comparative law -

Time + Personnel drftg team = 2 people: MoJ + Concerned Min.

2-3 days w. for. expert Have held seminars on water law, mng law; expert may teach at Sch of Law

Re 9 step procedure: depts on specific law = less if not circulated widely

Jan 5, PM 8
←→

Re Law School - 850 students / civil + criminal law

- ① Now = teach judges prosecutors
- ② ¹⁹⁹⁶ Next yr = economics + admin sectors
- EMAG: Administrative training

Drafters = before = 3 yrs, now 5 yrs

← Thinks shd est. in-service trng for drafters in MoJ - now org seminars for them; drafters conduct research, ~~and~~ draft;
= 2 teams: ① study tours: higher officials
② younger people → teachers 5-6 mos.

Overseas ① Need ~~teams~~ ^{teachers/facilitators} to work on economic, administrative law, civil law (2 each = 6 total now?)

② Study tours - re specific laws / specific field

- In Laos:
- ① 1 week / th + metth / drafters
 - ② 1 week for expts / drafty team; + 2 day seminars
 - ③ Law School - teach L + M at

Semane Sunan Nasao: VC Comm. on Law / NA -

MA / Law: USSR, trng / leg drftg in India (2 mo), + St. tours / many chics re how drft laws; 1991 → Impr. Eng / Aust, research / parliament; Now coord w. MoJ / NA: rec'd UNDP, IBRD asst / mmtr of Wkg ctee Phc I, II. Main fn. = drft law.

Vice Min / Min of Justice: MA / Law / USSR; lawyers in old regime / Fr

Mr. Kajin: Fr; VM of MoJ, now MP, Vice Chr. of Ctee on Leg.

Kappon: Dept of Elab. Law / MoJ / MA Law.

Semane: Fn of law / transition to NEM: Law plays role in reg. ec. = ~~based on~~ help ec to devel; since Lao govt / open / NEM = open to for. inv., but know = risk; need gd laws to reduce risk; Most = lawyers in public law, not ec. law / priv; hard to mk chg → too many seminars, org expts / micro, macro ec → understnd + lrn from ~~for~~ E, put into law; that's why gov't meets many for guests; UNDP asst / 1990 on = helpful; Reason why laws / proj. = drftd, not passed, when ctry chgs



from old to new mech = chg everything;
 try to figure out ec, chg pol tec ^{inc.} ^{also NA/Pres}
 dem, upgrd NA role = rep people; elections
 task UNDP proj./law. ∴ = many drafts, but
 didn't pass. Now passed ent., bankruptcy,
 tax, laws out of this proj.; concl. proj.
 provides gd things; Wld like to introd
procedures for mkg laws: Lack lawyers,
 + there have = 'public' field; // Lao Const: indiv.
 persons have rt to propose laws: Pres,
 NA Study Ctee, Sup Ct, Prosecutor, mass orgs,
 also NA law = before drftg, write to ^{NA} Study
 Ctee to say why law = nec, ~~before~~ get
 consent; after 1st drft, → distrib to
 relevant minis, mass orgs for opinions;
 when law concerns people (eg fam law,
 property law, etc) → to provinces; city-wld ed
 "teaching", get opinions - REALITY: when
 min or org gets Study Ctee permiss, MoJ
^{ad hoc drftg}
 proposes, Ctee to drft law: collect data,
 refs, etc., send to govt/Cabinet, sent thru
 to NA Study Ctee; incl. expts from CPC,
 MoF: WEAK POINTS: Up to now, haven't

ad hoc
 ctees;
 10-12
 members, incl.
 non-lawyer
 expts

had longtm pln/draftg law; hadn't agd/laws/yr ⇒
 app'd; didn't have pln/ph.I → wk'd out by
 foreign expts; eg didn't need bankruptcy, secs,
 etc laws; foreigners wanted everything at
 once. Lao slogan: Transfer policies into
 provisions. ∴ if legislators don't know policy,
 laws won't work } Bob: reverse also true:
 details of law affect way policy = implemented
Re training: Don't have sch's to teach drfters how
 to translate policy into law, but are lrng;
 gd = MPs, since NA resp for law, we know
 policies that shd put into law; biggest
 obstacle = to implement law; realize
 = not only punish but educate people, but
 when chg to new ec. mech = need to
 chg all insts. ∴ need to mix. ed; takes
 time. Report re expts/lrng from FL+E:
 lack ec law, but where get it, if not from
 for. chies — eg arbitrat'n law: need
 to lrn how arb. wks, but law must
 meet "levels" of ec or it won't wk;
 so can't copy UK or US law, but
 need to lrn from them, then look at

reality in Laos;

If M.F. & NA don't wrk together, can't
mk chgs as needed; in REALITY, who
uses law: cts, police, prosecutors
NA study Ctee = 4 staff; 2 = studying in U,
2 = permanent

Difficulty: eg. draft tax law: tax exists govt
to provide budget, but hard to implement;
look at for. inv. = high amt, but 11% have
acctg syst// Lao law; implem. ag says
law = wrk in following ways, etc.: need
new law-

Re explanations:

R = ~~Debate~~ give drafters discretion / research =
no criteria -
D/C Drafters don't know how to research the
rules; don't have skills / word pushing
not enuf personnel; after experts draft, can't
explain articles; need to have research report

Commune - are paying attn

Int =

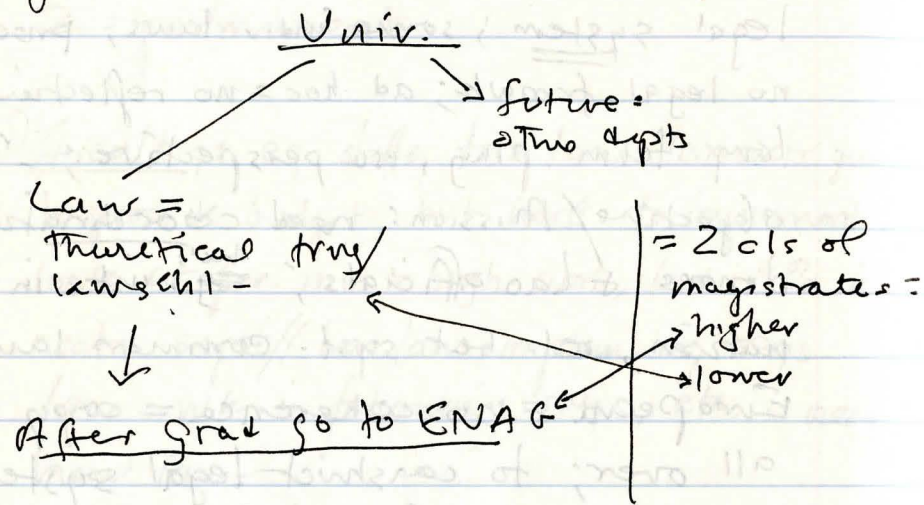
Process: (existing ^{new} procedures - lv. criteria vague)

Id: Think re how defend soc's ints

Jan 6, 1995 - Bonconi / Fr.

Judge in Fr - procurator - de la Republique in
Nice; worked in Diliberti, Caledonia, Reunion
Came to Lao July / 7 day mission - talked
w. Lao officials; Lao system not good, no
legal system; some indiv laws, procedures
no legal frmwrk; ad hoc = no reflection or
long term plng, no perspective; 1st
objective / mission: need coordination among
donors & Lao officials; ^{he's} int. in coordi-
nation, rel. bet syst. common law &
European = no coherence = copy from
all over; to construct legal system from
bits & pieces from diff jurisdictions;
wants to est system of trng / judges
in ENAG; = agmt bet. Fr-Lao, rest.
ENAG = admin + mgmt; 3rd br plnd =
magistrate trng, but not done yet;
for 2 yrs, Lao officials asking why -
the plng = beg. Jan, ^{= 2 yrs course.} ~~but not~~ for 30 persons;
not all = magistrates, but = from dist &
province level; get basic trng 1st yr,
2nd yr = penaliz = mgmt, admin, justice;

in plng the specialties / magistrature; ^{Bob:} Swedish
 rept says expect major output =
 magistrature; Bonconi: ENAG = hs of
 PM; Law Schl = M of J ∴ future ob-
 jective: Govt Plan:



Strongly suggest Mission focus on coop-
 eg want 26 ± laws, but prob lies
 in no coord; he'd like Mission to
 define 3 imp't things:

- ① University law trng = Faculty of Law; 3-4 yrs
- ② Law trng: specialize - eg ENAG/practical
- ③ Org of judicial system

Bob: suggests Mission est Task Force on
 legal education

Bonconi: Need gd basic ed;
 Law School = poor program

The elaboration of law = another task force
Legal Reform Ctr - doesn't work - at
 this moment = accepted, ~~has~~ no clarity
 to who does it, etc.

Bob: Pub sect & prt. sect. lawyers & judges deal
 w. law as is; public lawyers will deal w.
 law as shd be; Commiss. on Legal Ed
 shd deal w. both;

Bonconi: In Lao, prob = ~~prob~~ Kayoon (Fr. ^{trnd} jurist)
 said 2 laws / Fi / bankruptcy & enterprise = copied
 Agrees: central prob = defined by Lao -
 but must be required to thak it thru;
 = "cultural fact": Lao not taught to
 think critically; no books, memorization,
 no discussion - also true in Law School;
 no long term plng - eg Law Schl = 3 aspects:
 mgmt, justice, ec. law - not related;
 now that accept laws = not interconnected
 - eg bankruptcy, enterprise - not rel'd -
 elaborated by diff ministries

Bob pts out that new procedure / M of J Dept
 of Law may address this = 10 lawyers →
 coord.

Boxconi: Mr. Kajun has stuffed most of com'l laws - penal code, civil code, etc.; if need dir. of proj, shd be Kajun;

Jan 6, 1995: Ministry of Justice Law Dept: Director of Legislation / MoJ; who ^{as director} ~~has~~ since 1986

Butsava: Deputy director of Leg;

Sipha: Head of Dept of Ec & Environmental Law

Kanpan: Head - penal law sect;

(person = absent, Mr Buen = Admin + Int'l Law)

Aim of WK: Resp to draft leg + reqs; give legal opinions/contracts + decrees;

* Shd have 22 officers, but only have 6 = shrtg of staff; prep laws/decrees for PM's office

Tongsi Kullala: Dir of Juridical System Dept since 1990; before = prosecutor at prefecture level; head of section; came back in 1983;

Lidalo Pursing: grad. USSR U/Azerbaijan; who at Vietnam prefecture ct; Oct 1994 → appted deputy dir of this dept; = resp for juridical syst / Lao PDR + Court ^{notaries} ~~register~~

Kamping: Head of section/admin of legal system; = good exper - ~~the~~.

Simbu Yokajam - Head of Admin + perform. of ct deis

= grad. of Vietnam U, began wk 1992;

At nother deputy dir (didn't come) tenso tany,

wked in prefecture at many yrs; began here 1991; = gd exper/ct. procedure;

Ms. Pomazon - was judge of prefecture ct;

wked here 3 yrs; wked w. nationalities

+ 1 secy.

Discussion IV

Dir of Leg: drfts from mins to MoJ, some = better, some = incomplete; mt w. them → chg; if = sml bill = easy; if = conflicts → ^{invite min reps} disc. + agree, then send to mins;

Ms. Lidalo: Invite only conc'd min reps;

Leg Dir: if drft tax law, invite Bk, MoF, Dept of Comm. PM officer; if disagree, may delay bill ± yrs; normally do agree

Dep dir/Leg: When mt, disc. Lao Polit-ec syst → give reasons/probs. ∴ can agree; also compr. w. other chrs; send to Cabinet if can't agree w. a rept = shrt; since lao = sml, can usually resolve issues; invite Stnd Cttee/NA to join

Leg Dir: re research rept - eq / Bk - draw on Bk expt + fr expts/ideas re how to drft; also res re other cttries' bk law;

Dep. Leg Dir: Before send draft to govt/research re diff kinds of law, mention ^{for} expts consulted; visited other ethics; eg re draft decree went to us, [Don't know abt Ph I, II of UNDP/IBRD proj since leg just came to MoJ] When look at drafts by foreigners, do take some eles out;

Ms. Lidalo: Now have 28 laws/Lao PDR; wld like to inform pop; can you help us? Do you know people in city-side/Lao; How ed them? Also need other laws, pln 30 new laws;

Dep Dir Leg: Re draft bills, MoJ leg dept draft law/tech. Difficulty: (1) Must check tech/draft = same tech of all laws; terms of draft; invite concid depts; also invite studg cttee/NA, prosecutors' office; cts; after finish, send draft to people/comments; org seminars/suggsts; → rept to Min of J, who sends to Cabinet; (2) Biggest prob. = human = drafters' trng

Bob: Wld it help to write textbook on leg drafts techs in Lao? Ans: Yes

Dep. Dir/Leg: Our some-ec level = too low. can't use same laws/V.S? Imp't principle = involve people in drafting laws → their own. Some suggestions re how proj. can work: (1) resp: to draft law → teach staff/draftg. → send lecturer for 1-2 wks, then send Lao people to study there (2) if want to mk tax law, invite lect/seminar; then draft by ourselves;

ms. Lithnarath for court syst, use law, Jan. 8, 1994

Pholsena but need to eval laws: What happened statistically last yr v. this yr = Resp. for lawyers, cts; Simple ct syst:

130 district cts | 18 provincial | Sup Ct
 Under 5000 people | U = est'd/1994 | 12 judges - st'd
 less than 2 yrs jail | (18th → appl) | abrd; gd exper/
 = 3 judges (some = 2) | Law Schl/Vietnam | province cts/4-5 yrs
 Borrow from other | some abrd = 30% | + VP/4-5 yrs
 dists; trng = 20 days | in Law Schl, 15% | President = Fr + ind.
 Min je crim & civil | abrd; vert = same | = 5 = Fr;
 law; exper = concili- | jurists; began | also same/SSR,
 ation, village chiefs, | last yr. trng/mo | Vietnam/China
 police | ~~last yr. trng/mo~~ | Appeals from Provs.
 3 judges/case, decide
 by majority

15 women
Judges
1-10-10-10
10-Prov.Ct

appeal = new trial + record (clerks take notes)
 Civil cases = more imp't, involve (and) Gorrung;
 Conciliation syst. at dist. & prov. levels - before formal trial

eg re land: owner wants land back/new law;
then divide land or pay % to those who use it;
if u to help them decide first = 10% conciliation
= successful.

Eval ~~of~~ ^{of} case = threat, violence, etc.

What happens to defendant; impact on
young, children, women (rape); if
get statistics can make good decisions;
look at mechanisms for processing
'criminals'; learn from workshop/info. network
→ inform women how to deal w.
civil & crim cases.

Under law, shd provide legal aid, but don't
have lawyers; will st. next yr. Now
people try help selves. ~~Try to~~

Try est ^{office/MoJ} network to ed. women → women law st →
teach women = information to reach broader
public.

1992 - Confer for all judges/criminal law; discuss
how will chg it

Re family law: not frequent divorces, man can have
4 wives; Const recog customary law, but
through law = 1 wife, trad = diff;

Re eval went to US as ^{woman} judge → visited cts, saw
eval. office. - propose here → extended to
all depts of MoJ.

Have someone to gather stats/counts; st'd
in Law Sch; need to ed people re kind
of stats to get, from whom, how; have
created our own ideas.

This yr. have seminar for elders →
to help them think thru their job; also
for "enforcement service" → help them
learn to do (both criminal & civil)

Now proposing MoJ publish re eg bankruptcies,
other laws for judges
(on Admin & Crim.)
MoJ Dept has plan for long judge/seminars;
In ~~the~~ this dept, take complaints re courts,
re enforcement service

Jan 10, 1994

Jan Mattsson:

50: Expected vs/ legal drift; hadn't figured out who ~~had~~ do what; → modular appr.

Some Children Prog = based on Sup Ct. Justice = law → 'shot down' by MoJ

Pida: 5 pts: ① What = prob; ② which gaps form ctee; ③ why = prob ④ how prog. solve

Jan M: Much basic info. in Mission doc.

We came first: present to Mission - Then decide where to go - Normal app/ EBRD missions = set up that way -

Jan H: July's disc'd. it effort; overlap ec leg + leg ed; disc'd pts: RLA, others = jt. ops; BLA Min doesn't want but my colleagues

Jan ~~is~~ = more conc'd; proj. haven't all wk'd; on a few prgs = nat'l CTR, or non-res. Jan + consultant = help w identify of consultants, etc. Have org₁^{my min} = no RLA - but = open to Mission for assess mgmt capacity,

IBRD insists on RLA; Q → where will EBRD fit in;

Need to disc. practical things this PM.

① See Swedes, AIDEP, US Emb.

② Meet Govt side -

Jan. 10

SEMINAR

Judge Ket: Case on Lao trad + lrn from for. law ~~from Phnomma - (PMAE)~~ (PMAE) what kind of metz. ec. in Lao?

Jan 10, 1994 - "MISSION" MEETING

① Doc = overall + modular EBRD didn't show up ② Task force

Bainani: Agrees w. 2 pts/legal drift + judiciary structure - shrs picture

① Re legal drift: only been here 2 mos = copying laws/Fr = not suitable/Lao; eg com'l law - copied Fr. code incl. definition of trd law, ~~assumes~~ took part → prob of jurisprudence - recom Ctee on Drift Law w/ on texts in liaison w. all partners → nec. // implem. coherent framework.

② Legal lang: today, Law Schl = bad prog; re Swedish report → stg pt = revw needs of Lao,

// local environment;

③ Judicial management: ^{Lao's} needs \Rightarrow based on realistic picture/ctry; matters judged by judges outside Vietnam // trad. adapted/life of people; actual syst not gd; dist. judges don't perform well, not "sustainable"; then revw basis of judicial syst // needs of common people

④ Issue for Mission: because Lao decided to copy Fr. syst = too elaborate for sit/here; now = impossible to have notaries/Er;

⑤ Implement'n of research; ~~NAAG~~

⑥ This task = propr. trng / judges / ENAG, but the trng cycle = for 10 people = top magistrats = model of specializ'n doesn't meet Lao needs / judges; must see how to articulate theoretical + practical trng;

\therefore wish Mission coord of his w/ those of partners, est benchmarks

Jan M. Shd have 4 modules (incl. judiciary), need overall frm w/te;

read doc. fast, but didn't see list incl. penal code;

Bob: Shd go over existing laws // Jan M. agrees Lao partners on all task forces - shd \rightarrow est'd ASP

Bob: Can't believe Mustafa wld disagree \therefore tentative decis / who wks on what;

Jan: Re 4 areas: 1 area in revw = int'l titles, convs / put law area; not in TOR, but UNDP = int'd in promoting; M of Foreign Affairs (w. well-trnd women) asked art / transln / Lao. \rightarrow sonl - module

John: Prob of entire legal syst; can piecemeal exam \rightarrow extrapolated to whole syst

Jan M: ~~Bairacini~~ says: Fr syst; would help if ~~of~~ focused methodology

John: (Expe/Vietnam) seeing how teach law in Law Sch w/o texts / common law case appor; w/o legal syst / Fr; maj. prob / Viet / here piecemeal, didactic (no analytical skills), \therefore how teach subj. \rightarrow research method to localize for. law into Lao context; cld find method \rightarrow underly White Mission.

Jan H: Environmental leg, others \rightarrow how fit into MISSION; need to address certain sectors; eg IBRD wants to focus on fin; to what extent will Mission disc. w. Govt; but if prioritize eg mag, etc, to what extent will prog address specific areas;

Bob: If we don't get down to specific cases = useless;

John: Common thread: capacity bldg + methodology to make sure Lao take over; Lao have gone down that path of expats writing leg = inappropriate.

Jan: Re method of Mission - "soft opening" when Seidman came; others now joined, tomorrow (?) IBRD; no overall hrs yet except for TOA; for tomorrow, old perhaps under Seidman \rightarrow proposal in writing; present to Mustafa;

Bob: What emerges to me = legal syst in transition; confusion = all ^{Lao} persons ne.

engage in investigation; as op'd to picture of judge who decides in given law syst;

Bonconi: Do you know how Lao people draft law; prob. now = everything under P contr, so even if people = competent, won't get auth to wk indep, exp. things / reality; already have trad legal advisors, but most say in Prt.

ENAO: shk courses, prof. trng / magistrates civil servants

40 students sent by Party - can't do anything ^{in 3 mo} re legal system; next yr: expect new sts. = civil servants; magistrates = $\frac{1}{3}$, $\frac{2}{3}$ = others = chosen not clear how;

2 missions:

- 1) shk trng / civ servs, mag
- 2) 2 yr trng - not yet std = for magistrates Cambodia, Vietnam use Fr. syst.

Jan 10, 1995

JUDGE KEET

Judge Keet: re hiring judges: "can say have no judges" prestige = low; when decide cases → wrong sometimes; must impr; must impt = upgrade judges (nothing more impt: gd judges = gd ct).

Court structure: kinds of cases: differs/province;
Vientiane = auto accidents; civil cases = ^{rapes = 85/yr} ~~mixed~~
No. Province = hunting deaths; no rapes; some murder; mixed commercial/civil cases - eg re loans/homes
Arbitrat'n ^{Decree/1994} ~~system~~ (Pres. partic'd/seminar) but doesn't

fn. now; no personnel; hope to settle many cases/arbit'n; but deqs on contract; if not specified/contract, wld go to ct; under law, parties nominate own arbitrator

If ct must settle bus. cases → "gotty diff" = no exper/matters;

[Bob suggests if = few com'l courts, educate a few com'l ct judges]

Trend = towards more com'l cts; difficult to have special com'l ct = too few judges; 6 sup ct judges, now; 1 → No. judge → 5; require 3 judges/case;

At trial level, = 1 judge; now = 3/dist, but Banconi = 1=emph; (Bob: New law = fewer judges/ct

= fewer to hrn) there is no appeals ct, so all cases now go to Sup. Ct; cld either go to prov. Ct or to appeals ct.

Keet: Now dist. ct = 500,000 kip, but most cases = more; go to provinces = 660 civil cases + only 54 cases at prov. level; in Laos now, cases stop at police level, but = contrary to law;

Branconi: Lower levels cld have function = conciliation use custom ^(not customary law);

Keet: agrees - will incl. in reform; John: conciliation = non/trial judge, but only 10% settlements; Keet: disagrees, wld be more cases if that = true;

disting. bet. little + big cases; sometimes people don't agree ^{= big cases} → diff. to divide; ∴ appeal; smlr cases = solved by dist. ct conciliation; no regulations require it, but we try to use conciliation, even

in Sup Ct; ~~John~~ Bob: How does ct inform itself abt customs? Keet: Parties themselves; if don't agree, cts use 'sense of justice'/common law(?)

Bob: If in Vietnane, many cases = motor accidents, have you consid'd compulsory insurance? If did, wldn't that reduce no. of ct. cases;

Branconi: in Fr have insurance; = impt. because notion of 'fault' = not well understood, may not = penal 'fault'/accident.

old introduct. ins → reduce case load;

Ket: 2 yrs ago → ins. law = compulsory/autos, but in fact many cars = unins'd. ∴ no money to pay; often = drunk drivers, (Bianconi = drunk = penal code)

Bob: Many cases → "decriminalized" - don't go to cts

Ket: Need to enforce insurance, Now = 3 wks long/judge/dist level; some = 2nd sch, some less;

Bianconi: Re Law Schl: too many courses, none or impt issues; need lmt'd no. of intensive courses

John: Apart from knowledge of substantive law, what knowledge shd judges have ket: comm'l law, civ + crim law; John: what skills: if

underst'd principles of matters, then continue to be int'd in lng in wk/guided by senior

judges; John: need analytical skills +

research skills so can cont. after, ket: if had some knowledge of law from law sch, but in wk = responsible. ∴ wk to impr. skills. ∴ = need gd ldr; w/o gd ldr = nothing;

Bob: Where don't have much written law, common law appr might help:

① Written decisions; esp/Sup Ct; ② criteria of "common sense" to use; Bianconi: no mats, no bks in Law Schl. ∴ nec. to have Lao teachers to diffuse laws, decrees/jurisprudence; buy a few bks in for. lang; official Gazette not there = no money)

Ket: Now = no research; Bianconi: Sup Ct doesn't diffuse decisions; ket: no funds for that;

ket: In most cases at provincial level. Don't have written reports; 300 civil cases;

= one publication/yr. of impt. cases. John: In Vietnam, won't allow public. of dec's because

don't want cts to mk law; ket: here can publish/int'd parties, but not widely; Bob:

wld there exist objections to judge-made law if = clearly underst'd that Assembly cld at

any pt. pass law that supercedes it; ket: knowledge of 'judge-made law' doesn't exist;

Bianconi: If lawyers copy Fr law w/o adeq. understanding = real prob, cts must "save the law"; ket:

If NA feels behavior must → reg'd, they will mk law; not to amend or chg judgement law

John: in USSR, Sup Ct passed decisions = pub'd as recommends; ket: we can also publish these

Ket: When teach law sch! gen'l Qs of law, justice, so → useful to incl methodology → Think abt probs, how to mk law better; if leg can't cover all three fields, then written + judgment law → joined; but trad calls for written laws, judgment law has no signif

John: If can publish decis/key cases, can you publish commentary? Ket: Some decis not gd, e.g. suspending sentences, → incl'd; John: If Sup Ct heard impt. loan case, cld you publish loan decis + commentary? Ket: Yes; but don't have time since have 400 cases/yr Bob: Might suggest findg Lao lawyers to prep cases + commentary Ket: We try, but = lmt'd time; can find time to select impt. cases; Bob: In Nigeria, AID pd young Amn. to prep cases + publish commentary, subj. to judges Ket: Cldn't now hire even a Lao lawyer to do that

Bob: Do you know abt Sup Ct. clerks/US: clerks write decisions, judges edit decisions;

Ket: Wld ~~like~~ have law sts w/ w. us,

* some have whel for 2 yrs, ~~th~~ benefit from frng, also write commentaries;

Ket: think will = prob that st. want to wk/law firms; esp. as ~~learn~~ more for. lang. Bianconi: Can't teach in Fr: smie can't understand Ket: Gov't classes who go to law sch! / strdg in high sch!; —: people want to stud engr, law, med sch! = diff (have sch! of med here); ~~th~~

John: technical Qs ① If aid Gt for teachers/seminars w simultaneous translations, what subj? Ket: bus + int'l law, then civil, penal; co law, arb, contract; drftg;

② ~~What~~ Cld you release staff for study/datt time?

Ket: Yes 1 mo, 2x/yr. ③ How many people wld attend? Ket: 3 at provincial level (out of 18)

④ What abt supt staff? Ket: 7; ⑤ If taught subj where no law now exists/Lao — e.g. intellectual property Ket: Not ^{Lao} impt, but nec/for inv → work in

2-3 yrs; John: wld you want them to undstrnd + conduct research? Ket: Wld like to

help people think = helpful: not only ldrs, but all people think — e.g. Sup Ct = ours, not mine!

All people → masters John: before teaching courses, get Lao people to review in adv; sk?

Ket: we can;

Re prioritization: Must decide where to start;

in 1989 - passed only 4 laws;

Bianconi: How many times met? Ket: Every eve, 2 1/2 hrs / ~~stg last night~~ specific laws; eg CPC ~~draft~~ re int inv., elab draft; law of tax / M of Fin; admin = PM's office; go to cttee / reform for revw.

Bianconi: At what ~~step~~ of drafting will cttee of expts help in drafting? Ket: At first step, + ~~at~~ comments before NA; Bianconi: What think abt suggestion re how cttee works

Ket: 2 parts: Lao + expts: Lao rec. recoms, write, sometimes consult expts, sometimes not, draft costs; some in mos have Lao do work by selves; make many chgs in drafts; after fin. draft, submit to expt for opinions. On technical pts + info, like info/comparative law; shd not copy but learn → adopt draft see consequence, whether = gd for us or not. In past, expts brt. "complete drafts" eg

VICE MINISTER of JUSTICE

Min. of Justice: Concerning 3 PM mty = ready to discuss mission; UNDP proj. have written rept / Court. Concerning draft here, have depts / each topic = Law Sch = legal ed, dept of Admin + Contr / Implem Res; Dept of Law / Leg drafting; re Leg Drafts = diff from Ch. exper = MOJ; because have no staff / mins to draft; MOJ cttee must do so; mos must invite outsiders from other ministries; Govt ass'd mos to make new laws, decrees, reg's; if = no prog / drafting, ~~at~~

Bob: Understand steps / Dr. Hany; in most cases, after law comes to mos, extensive consult'ns bet drafters, mins + others; eg reg. restaurants → consult restaurants, M of Health, perhaps consumers + bus; where do those discs take place; VM: give eg of drafting leg: eg decree / restaurant / Vientiane: draft sent from prov. to mos, invite people to mtg. to disc; eg draft laws law → draft from M. of Comm, invite other Mins (Fin, Ind, Bks, + conc'd people); conc'd mins appt own reps; in Vientiane, ~~rept~~ ^{one} / restaurants send reps; all trad assns belong to M. of Comm.

John: Who decides which laws to draft? eg re restaurants; VM: eg Vientiane: saw parties sent reqs to mos; sometimes behaves / restaurants

= vs. pub int.: sent draft to MoJ; when send
draft, MoJ exams @ drafts tech, (2) rel- to existing
law, & exper (3) consid. political context; (4)
int'l law exper. Katsana: How carry on public
disc/draft law elsewhere? Bob: Differs/system:
John: Law Reform rept → consult'n = adv'd/newspapers
for written submissions + public hearings;

Re prioritization (3) Limitd drftg resources; which laws → drft:

Give priority to bus law, for inv, others = decrees;

VM now spend more time on bus. law; agrees other laws,
eg ed, = impt/human resources; MoEd has reqs to
yr 2000; eg. for invs. work re laws/bus re eg dam
/water law, mng, want to know laws; have
some drfts/here; give priority to bus law now;
mt some plus → sug. govt, inste NA stndg Ctee,
other mins → appr'd by govt. Consider ec law =
priority; to mk es syst → mkt-syst; so → drft
these laws / MoJ, Stndg Ctee/NA, panels sug to
govt; John: in Australia, priorities → deter'd by
ruling polit P, Labour P = polit decis; Q: how
identify probs in soc - eg incr'd textile ind,
how do mfrs exper. getting sol: VM:

Comply w. bus. law; deps on prob; eg if = lab
prob. goes to MoL, if want license go to

MoJ Comm; also can apply to cts; or arbs;
for works, hometes/factories, go to Min of Lab =
social law of lab (Bianconi: = law but not
well implemented); face drfts/implem. - MoJ
& Mo Lab → investigate/hld mtgs to teach
people rts; ~~not~~ ^{not sure how many} 50 factories; haven't been
to all; have labor lawyer who discs rts, teach
people how to complain; whrs don't know
rts, how to go to cts, fear loss of jobs, don't know
who to ask (Bianconi: Mo Lab = 1 inspector); tus

Re implement'n research: Have insts at Mo Lab,
also have prosecutors' office; also stndg Ctee/~~NA~~
in PM's office = coshr all ministers; just
→ est'd, drftd regs; concerning prob must
consult Ctee; wld apper. advt, recog. need
for lawyers from MoJ-

Re no. of bills to → drafted: drfts come from Minis-
eg mng law = wk'd on / 3 yrs before come to
MoJ; buy others to disc.; ^{mins} may invite for
expts to asst them + MoJ drft; if drft
mng or water law, which affect other
areas, put together - eg affect on
environm't;

LAW SCHOOL DIRECTOR

VM: Will prepare comprehensive plan/laws' priority - every min wants laws; some mins. have already sent drafts; some mins. send bad drafts; must redraft - take time.

Souta / Director of Law School / Jan 11, 1995

Q Who employ most graduates? Main purpose → 6th lawyer for cts, Min of Interior, prosecutors (ie criminal law; incl. priv sector eventually); plan = school → Institute of Law, ~~not~~ pt. of U under M. of Ed → school of specialities: magistrates, lawyers, etc. Existing staff → will transfer to U, but now = both combined; ie by 2000 M. of Ed prepares U;

(2) Specific prog / mins - eg Fin, Comm, etc = plnd: (ill now = 1) → 3 yrs: fin/comm, ^(judges) jurisprudence, admin (st. this yr w. ~~judges~~ admin); rough nos. - so far grad mid-level = 300, now = only high level = 837 for 5 yr. prog; 60-70 sts/each yr. In 2nd yr = 2.5 → divd / 3 yrs. Expect only few sts = gd → recruited to govt; rest = priv. Don't have enuf in cts, prosecutors (need 1000, now = 800) → 10 yrs → 1000 Few priv sect. = 20;

(3) Kind of wk grads do: MoJ plus grads/ec sector 30 for ec. cts (incl. arb cts); admin^{ct} = 30; rest will find jobs in other admin sectors; wk in prov. + dist levels

Does schol or MoJ supply needs of other mins; up till now = many demands to see sts;

(4) How do you determine curriculum? in disc. w. other mins? Staff of teachers re courses & no. + content; dep. MoJ, Pres & Supct + his deputy, deputy prosecutors, Min of Fin, Ed, etc → decide to impr. subj's, also disc. w. donor agencies' consultants; prog not final yet, esp after 4th yr;

(5) Difficulty: not enuf documents, books, use xeroxed ps. from teacher; have prog of teaching created by staff, teacher must take prog as given, uses each cut. of law to expl.

Q How does teacher find expl. of rel. of law to facts? A: From his knowledge or exper. Have only Lao Law, no comparative law.

(6) Assessment of sts: By exams (only a few fail); eg ~~1000 grads~~, 2 1st yr cls: A = 43; B = 221; role: A grp pass / 2nd yr, high grads, pass to A; Only write essay on 5th yr; take article of some law; eg org of law cont; ie factual description of law org; if st. fins 5th yr, write essay → expl. how to create cts, meaning of particular articles/est. combrs. On exams, only case Qs/Thury; if must ans. practically, can't; in essay, must = in practice & mos. → ans. re th + practical

(7) Size of cls, too many students / 70; teacher reads slowly the mtr, ~~sign~~ to what mtr, library = only bks for ~~reference~~

(8) ~~Give st. / cr.~~ "Credits" wtd sales / lighten load
Hcty, drfng, cant am, how render exp

School month, for ~~gnts~~ ^{what methods}

(9) What qualities = gd law teach? ~~not~~ Want long time, till sts. In gd law = all mats; ^{at} high level = PhDs, how only = MA ^{for}: know law, but don't only teach Lao Law, must st. comparative law; what analytical skills: yes = very imp't, since open = lawyer, must be as gd as lawyers of other ctries; teachers ~~is~~ most exper'd, must have exchg exper of teaching come; know how to apply law, how to compr Lao to the ctries; ~~good~~ gd judgment equity;

(10) If aid proj → aid seminars / teachers? shd encourage analytca thinkg? ~~at~~

In beg. → seminar / teacher → transferred to sts.; proposal to MoJ for long time to hold seminars / teachers

(11) hrs/wk/teaching: Most have cls 6 hrs/day: 4 AM, 2 PM = dep's on no. of subjects: (cls. attend cl. 6 hrs/day); most hrs. for for lang (Fr, Eng, J8; 2/other langs)

(12) What did you request from MoJ/seminars: M.E. fid, Bus mgmt, arb. If = seminars of 1 mo/yr, what time of yr = Aug-Sept/Vac.

(13) Where full time staff st'd = USSR, Vietnam, Bulgaria; pt-time? Fr; = mostly in courts syst + mins;

(14) Eqt: ~~fast~~ computer, 1 photo copier; need 50 computers, fees + teach sts; wtd budget covers inputs, repr? Hope so... ~~Before proj completed~~

(15) Ave teacher teaches 4 hrs wkd = 12 full time teachers, 32 'invited'; 2 foreigners ≠ for. lang teacher

MISSION: JAN. 11, 1995

VM/MoJ: Objective edisc. proj; issues = incl'd in agenda; invite IBRD rep to disc.

Mustafa: Prop = detailed ∴ shd step bk to exam overall picture; past 4 yrs = UNDP find proj. admin'd/IBRD, ph-I+II; lrd many lessons. ∴ → decis/durds: most imp't = ① mvd away from proj. appr to Prog. appr / Lao PDR; → coord.

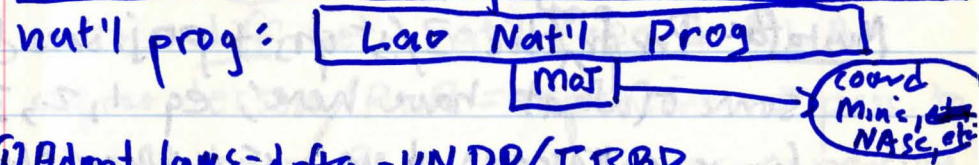
among donors, coord by UNDP, incl. many more donors; = add'l funds: IBRD, Fr, Aus, Norway, Sweden; ① Must disc. what prog will look like → agmt, then begin to structure indiv proj's → find by diff. donors; emph = Lao nat'l prog. ② Now = stg. of "nat'l execution;" till now = IBRD exec; now = nat'l exec/Lao govt ③ Lao Govt has decided to assn rep for proj' to MOJ in coord w. MoF, NA Stnd Comm on Leg; ④ MOJ has list of priority leg. II All devals = post July, 1994:

- ①: suggest form of nat'l prog → disc'd, if agree, eles of prog; so 2 wks from now = agree/principal eles (=end of mission) → st. prepr diff proj's/diff donors w/in prog.
- ② Can Lao Govt mng 100% of Nat'l Prog: deps on govt capacity to do 'every thng'
- ③ list of priority laws = consistent w. Govt goals/next 'yr or so'; ④ then → indiv proj's + MOJ prop. → est. tms of Miss. + Lao colleagues to prepr proj. docs

VM: Re Nat. Prog/Govt deval + 4 yr. exper

think can do tasks; tho didn't attend July disc, agree re proposal, MOJ will coord Mins; has assnd Ketsana to admin. it; re nat'l exec, when need for expts, will ask UNDP; in add'n, will send copies to for. expts/comments; IBRD may know, can do job = save \$; in princ, Lao tm = resp/draftg, will ask for cost/need; laws in prop. = tentative, will try to implem, but may not be in time; do our best; sometimes can't mt prog/time, if

IBRD: invite for expts = delay;
~~Lao Govt~~ MOJ: Wld like to present main eles of nat'l prog:



- ① Adopt laws = draftg - UNDP/IBRD
- ② Strengthen Judiciary (cts, judges) Fr, SIDA, Aust.
- ③ Legal education/VLS, ENAG, Lawyers, Bar
- ④ Implementation research - UNDP/IBRD
- ⑤ Environment - Norad

MOJ prop = mainly #1, some 3, 4; under each proj = add'l roles/othn ags; have fin for these eles.

Hony: Princ. of Nat'l Prog & describe our proposal
VM: In gen'l agree/Nat'l Prog, emph/legaled

incl. send abrd; since = lmbd op/PDR, like to send abrd;

PM: Will go into details/next 2 wks;

Mustafa: 3-4 ^{Leg Drafts} people/yr. go abrd/st, but must = w/in context of overall wrkpln = cost-effective; also/legal ed: if VLS needs to st. ec law, cld go to Fr; but = cost-effective. In next few days → Lao Nat'l Prog → submit to you for agmt.

~~How~~ Prof Smidt from Aust = not pt. of prog, but mission = legal ed/Lao

Mustafa: Prepr/doc 3/5 yrs + proj. docs for some of what have here; eg 1, 2, 3 since have colleagues here; 5 = when Norad comes. ∴ like teams incl. Lao/each;

~~How~~ Since ⇒ \$1m (IBRD = \$500m; UNDP = \$300-500m); ∴ ask ~~when~~ do we need appr. of "fac aid mgmt." effec? what to do?

Ans: Need approval of CPC - must inform them → ensure implem.

Mustafa - ie if has their appr = Ok?

PM's O: We will take care of "dom. issues"

VM: In concl, agree w. proposals; re people/proj, will assign + let you know.

Mustafa: 2 more issues ① by July, at latest, cld at least implem. #1 = draft bills + repts; ∴ ask, in ltr of priorities, which = top? eg aviation law; we told them, unless govt says = priority, can't promise help. Same = true: Australians, in another context, have asked asst/land law; Have lnd lesson: ~~diff~~ = // govt priorities! ② Nat'l execution = nec, but note: diff bet. nat'l exec + RLA; agree lesson/RLA = expensive → pass. to a) not have RLA or b) less expensive RLA = Lao Govt decis.

PM's O: Recall, like for expts time to time, but not RLA = too costly;

VM: Re priority = Q how decide; need many laws; wld like laws = open door pol/ NEM; ~~how~~ will decide later;

Jan H: Agree w. appr disc'd; pls'd by brd partic + also donors = recog

need/comprehensive prog/sercial
mins/legal inst'l frmwrk; →
recogs need/supt. for these acti'ns,
UNDP happy to supt.

Also plsd, the outline = logic of
donors/fndg, still//ownership/Lao
because of methodology of various
components. ∴ very optimistic =
rec both donor + govt supt/future.

PM's O: Plsd that have many donors int'd
in supt proj = impt.; govt obj =
soc gov'd by law = nec to have
effic. legal syst → implemented;
to strengthn soc, need full supt/law
Presence of high % of govt ldrs =
indic of govt's impt/prog.

VM: Mtg cl'd; think reps/donor chies,
agree w. princs/nat'l prog, do
our best to implem.