Support Project for Implementation of the Legal Sector Master Plan of the Lao People’s Democratic Republic (SPLSMP)

UNDAF OUTCOME 2: By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making

OUTPUT 2.4: The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights.

Implementing Partner: Ministry of Justice

UNDP, MoJ, PSC, OSPP, MPS, MoFA, NA, Government Office, GIA, MONRE, Law Faculty, mass social organisations, LBA, national civil society, Lao NCAW, and LNCCI

Brief description of the Project

In September 2009, the Government of Lao PDR, with the assistance of UNDP and development partners, officially adopted the Legal Sector Master Plan (LSMP). The LSMP is a comprehensive long-term strategic plan on the development of the rule of law state in Lao PDR by 2020. It lays down the vision, guiding principles, objectives and programs of the legal sector in the country towards 2020. The proposed Support Project for Implementation of the Legal Sector Master Plan of the Lao People’s Democratic Republic (SPLSMP) will be the first comprehensive support to implementation of some key elements of the Legal Sector Master Plan.

The Project will seek to achieve synergy and greater impact by coordinated and concerted efforts across the legal sector. It will also seek to streamline and improve efficiency of legal and judicial technical assistance administration by drawing together various donors and agencies under the LSMP framework, as well as previously ad hoc reform initiatives, thereby contributing to achieving the principles set out in the Vientiane Declaration.

The Support Project will deliver 6 key outputs: (i) Enhanced capacity, procedures, and standards for legislative development and implementation in Lao PDR; (ii) Institutional capacity, structure, and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process; (iii) More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute; (iv) Increased public understanding of legal rights and information, and increased participation in the legal system towards full realization of their rights; (v) Lao PDR’s further integration into regional and
international communities enabled through adoption, implementation, enforcement, monitoring, and reporting of international legal instruments; and (vi) Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP. The Support Project will initially be implemented over a period of 3 years.

<table>
<thead>
<tr>
<th>Project Duration:</th>
<th>3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anticipated start/end dates:</td>
<td>January 1, 2014 – December 31, 2016</td>
</tr>
<tr>
<td>Atlas Award ID/Project ID:</td>
<td>00075028/00087142</td>
</tr>
<tr>
<td>LPAC Meeting Date:</td>
<td>October 28, 2013</td>
</tr>
<tr>
<td>Fund Management Option(s):</td>
<td>Pass-through for relevant third party contributions</td>
</tr>
<tr>
<td>Managing/Administration Agent:</td>
<td>UNDP</td>
</tr>
</tbody>
</table>

Total resources required: US$ 3,894,491.85
Total Allocated Resources: US$ 3,894,494

Sources of funded budget:

- Government (In-kind contribution): $100,000
- UNDP: US$ 600,000
- EU: € 1,740,000 [US$ 2,396,694]
- France: € 410,850 [US$ 547,800]
- USA: $350,000

Note: using the United Nations Operational Rates of Exchange for EUR ($1 = 0.726 EUR) for November 2013 when calculating the EU’s contribution; the French contribution is set at $547,800 as per the cost-sharing agreement.

Agreed by MoJ (Implementing Partner): Date:

Agreed by UNDP: Date:
<table>
<thead>
<tr>
<th>ACRONYMS AND ABBREVIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2J</td>
</tr>
<tr>
<td>ADB</td>
</tr>
<tr>
<td>ASEAN</td>
</tr>
<tr>
<td>ASF</td>
</tr>
<tr>
<td>AWP</td>
</tr>
<tr>
<td>CEDAW</td>
</tr>
<tr>
<td>CSR</td>
</tr>
<tr>
<td>DIC</td>
</tr>
<tr>
<td>DP</td>
</tr>
<tr>
<td>DSA</td>
</tr>
<tr>
<td>ENM</td>
</tr>
<tr>
<td>EU</td>
</tr>
<tr>
<td>FoP</td>
</tr>
<tr>
<td>GIZ</td>
</tr>
<tr>
<td>GO</td>
</tr>
<tr>
<td>HRM</td>
</tr>
<tr>
<td>IAWC</td>
</tr>
<tr>
<td>IAWG</td>
</tr>
<tr>
<td>ICCPR</td>
</tr>
<tr>
<td>ICRC</td>
</tr>
<tr>
<td>ICT</td>
</tr>
<tr>
<td>IFC</td>
</tr>
<tr>
<td>ILP</td>
</tr>
<tr>
<td>INGO</td>
</tr>
<tr>
<td>ISD</td>
</tr>
<tr>
<td>JICA</td>
</tr>
<tr>
<td>Lao PDR</td>
</tr>
<tr>
<td>LBA</td>
</tr>
<tr>
<td>LDC</td>
</tr>
<tr>
<td>LIO SSWG</td>
</tr>
<tr>
<td>LSEs</td>
</tr>
<tr>
<td>LSMP</td>
</tr>
<tr>
<td>M&amp;E</td>
</tr>
<tr>
<td>MDG</td>
</tr>
<tr>
<td>MLA</td>
</tr>
<tr>
<td>MoE</td>
</tr>
<tr>
<td>MoF</td>
</tr>
<tr>
<td>MoFA</td>
</tr>
<tr>
<td>MoJ</td>
</tr>
<tr>
<td>MPI</td>
</tr>
<tr>
<td>MPS</td>
</tr>
<tr>
<td>MTCP</td>
</tr>
<tr>
<td>MTE/R</td>
</tr>
<tr>
<td>NA</td>
</tr>
<tr>
<td>NCAW</td>
</tr>
<tr>
<td>NEX</td>
</tr>
<tr>
<td>NGPES</td>
</tr>
<tr>
<td>NIM</td>
</tr>
<tr>
<td>Acronym</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>NLCG</td>
</tr>
<tr>
<td>NPA</td>
</tr>
<tr>
<td>NPD</td>
</tr>
<tr>
<td>NPEP</td>
</tr>
<tr>
<td>NPM</td>
</tr>
<tr>
<td>NSEDP</td>
</tr>
<tr>
<td>NSC</td>
</tr>
<tr>
<td>OSPP</td>
</tr>
<tr>
<td>O&amp;M</td>
</tr>
<tr>
<td>PAR</td>
</tr>
<tr>
<td>PAT</td>
</tr>
<tr>
<td>PLC</td>
</tr>
<tr>
<td>PMO</td>
</tr>
<tr>
<td>PSC</td>
</tr>
<tr>
<td>PST</td>
</tr>
<tr>
<td>QPR</td>
</tr>
<tr>
<td>RBA</td>
</tr>
<tr>
<td>RBM</td>
</tr>
<tr>
<td>RFL</td>
</tr>
<tr>
<td>RIA</td>
</tr>
<tr>
<td>RTM</td>
</tr>
<tr>
<td>SDC</td>
</tr>
<tr>
<td>SELNA</td>
</tr>
<tr>
<td>Sida</td>
</tr>
<tr>
<td>SME</td>
</tr>
<tr>
<td>SMEPDO</td>
</tr>
<tr>
<td>SPLSMP</td>
</tr>
<tr>
<td>STA</td>
</tr>
<tr>
<td>TA</td>
</tr>
<tr>
<td>TAP</td>
</tr>
<tr>
<td>ToR</td>
</tr>
<tr>
<td>TPR</td>
</tr>
<tr>
<td>UN</td>
</tr>
<tr>
<td>UNCDF</td>
</tr>
<tr>
<td>UNDAF</td>
</tr>
<tr>
<td>UNDP</td>
</tr>
<tr>
<td>UNHCHR</td>
</tr>
<tr>
<td>UNCAC</td>
</tr>
<tr>
<td>UNGC</td>
</tr>
<tr>
<td>UNICEF</td>
</tr>
<tr>
<td>UNICRI</td>
</tr>
<tr>
<td>UNIDO</td>
</tr>
<tr>
<td>UNFPA</td>
</tr>
<tr>
<td>UNODC</td>
</tr>
<tr>
<td>UNV</td>
</tr>
</tbody>
</table>
Table of Contents

ACRONYMS AND ABBREVIATIONS ........................................................................................................... 3
PART I: EXECUTIVE SUMMARY ............................................................................................................... 7
PART II: SITUATION ANALYSIS ............................................................................................................... 8

A. COUNTRY’S LEGAL FRAMEWORK ................................................................................................. 8
B. COUNTRY’S INSTITUTIONAL FRAMEWORK .................................................................................. 9
1. THE EXECUTIVE BRANCH (MINISTRIES AND AGENCIES) ....................................................... 9
2. THE JUDICIAL BRANCH ............................................................................................................... 10
3. THE LEGISLATIVE BRANCH (THE NATIONAL ASSEMBLY) ...................................................... 11
4. OTHER ACTORS OF THE LEGAL AND JUDICIAL SECTOR ....................................................... 12

C. LEGAL HISTORY OF LAO PDR ...................................................................................................... 13
D. POLICY CONTEXT IN LAO PDR ...................................................................................................... 15
E. PROJECT CONTEXT ......................................................................................................................... 18
1. UNDP’s contribution to the Legal Sector and Good Governance .................................................... 19
2. Support provided by other UN Agencies in the legal sector ............................................................ 21
3. Support provided by Development Partners in the legal sector .................................................... 22
4. Lessons Learned in the Legal Sector ............................................................................................. 22

A. OBJECTIVES: ..................................................................................................................................... 24

B. INTENDED OUTPUTS: ....................................................................................................................... 25
OUTPUT 1: ENHANCED CAPACITY, PROCEDURES, AND STANDARDS FOR LEGISLATIVE DEVELOPMENT AND IMPLEMENTATION IN LAO PDR ................................................................................................. 25
OUTPUT 2: INSTITUTIONAL CAPACITY, STRUCTURE, AND ARRANGEMENTS FURTHER IMPROVED AT LEGAL AND JUDICIAL INSTITUTIONS FOR MORE EFFECTIVE AND RESPONSIVE JUDICIAL PROCESS .......... 28
OUTPUT 3: MORE SYSTEMATIC DEVELOPMENT OF LEGAL AND JUDICIAL PROFESSIONALS ENABLED THROUGH THE ESTABLISHMENT OF A UNIFIED JUDICIAL TRAINING INSTITUTE .............................................................................. 30
OUTPUT 4: INCREASED PUBLIC UNDERSTANDING OF LEGAL RIGHTS AND INFORMATION, AND INCREASED PARTICIPATION IN THE LEGAL SYSTEM TOWARDS FULL REALIZATION OF THEIR RIGHTS ........................................ 32
OUTPUT 5: LAO PDR’S FURTHER INTEGRATION INTO REGIONAL AND INTERNATIONAL COMMUNITIES ENABLED THROUGH ADOPTION, IMPLEMENTATION, ENFORCEMENT, MONITORING, AND REPORTING OF INTERNATIONAL LEGAL INSTRUMENTS .................................................................................................................. 35
OUTPUT 6: ENHANCED CAPACITY OF THE SECRETARIAT FOR MORE EFFECTIVE COORDINATION IN THE LEGAL SECTOR AND IMPLEMENTATION OF THE LSMP ...................................................................................... 39

C. EXPECTED END OF PROJECT SITUATION: .................................................................................... 41

D. BENEFICIARIES: ................................................................................................................................. 42
PART IV: STRATEGY ............................................................................................................................... 42

A. KEY PRINCIPLES GUIDING PROJECT DESIGN AND IMPLEMENTATION: .................................. 42

B. ALIGNMENT WITH THE UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK (UNDAF) ACTION PLAN: ......................................................................................................................... 45
PART V: PROJECT RESULTS AND RESOURCES FRAMEWORK (2014-2016) ......................................... 48
PART VI: MANAGEMENT AND COORDINATION ARRANGEMENTS .......................................................... 72
MANAGEMENT ARRANGEMENT – LEGAL SECTOR MASTER PLAN.................................................. 74
PART IX: LEGAL CONTEXT .............................................................................................................. 104
PART X: ANNEXES .......................................................................................................................... 105

ANNEX A: RISK LOG ................................................................................................................... 105

ANNEX B: TERMS OF REFERENCE ............................................................................................... 114

ANNEX C: PEOPLE’S JUSTICE FUND FOR LAO PDR TO SUPPORT THE IMPLEMENTATION OF THE LEGAL SECTOR MASTER PLAN ....................................................................................... 137

ANNEX D: OVERALL LSMP & SUPPORT PROJECT OUTPUTS ................................................................ 143
PART I: EXECUTIVE SUMMARY

The Government of Lao PDR places high priority on establishing a rule of law state to support the socioeconomic transition of the country. Accordingly, since 2003 the Government has declared that it will strive: “to develop a coherent, credible and predictable legal framework established in a transparent and participatory manner”. To help achieve this objective, it adopted the Legal Sector Master Plan (LSMP) in September 2009. The LSMP establishes the framework for developing effective institutions in the entire legal sector of the country as the foundation for the rule of law.

The LSMP is in fact the culmination of intensive work and consultation carried out by teams of national legal experts. It is a comprehensive statement of the current needs of the Lao legal system, provides a series of guiding principles for developing a rule of law state, enhancing access to justice and enabling legal empowerment, and indicates an action plan to help achieve these goals. The LSMP represents the highest level - and most pragmatic - commitment to the rule of law since the 1991 Constitution and is the country’s first legal sector planning to be directed from the highest policy-making level.

The Support Project for Implementation of the Legal Sector Master Plan (SplSMP) will be the first to support implementation of the LSMP in a holistic way: involving all the main stakeholders and DPs, coordinating activities and initiatives throughout the sector to create change in a phased and cumulative manner.

Through its support of the LSMP, the SplSMP will seek to achieve synergies and impact through coordinated and concerted effort across the legal sector. It will seek to streamline and improve efficiency of legal and judicial technical assistance administration by drawing together under the LSMP framework various donors and agencies, as well previously ad hoc reform initiatives, thereby providing substance to the principles set out in the Vientiane Declaration.

The Support Project for LSMP (SplSMP) implementation will deliver 6 key outputs:

1. Enhanced capacity, procedures, and standards for legislative development and implementation in Lao PDR (implemented by MoJ)
2. Institutional capacity, structure, and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process (implemented by OSPP)
3. More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute (implemented by MoJ)
4. Increased public understanding of legal rights and information, and increased participation in the legal system towards full realization of their rights (implemented by MoJ)
5. Lao PDR’s further integration into regional and international communities enabled through adoption, implementation, enforcement, monitoring, and reporting of international legal instruments (implemented by MoFA)
6. Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP (implemented by MoJ)

The LSMP Implementation Support Project will initially be implemented over a period of 3 years, with an estimated budget of US $3,894,494 that comes with the combined resources of the UNDP, EU, France and USA.
PART II: SITUATION ANALYSIS

A. COUNTRY’S LEGAL FRAMEWORK

Formal Law

Adopted originally on 15 August 1991 and amended on 6 May 2003, the first Constitution of Lao PDR marked a national milestone in terms of defining the normative framework, providing for the separation of powers, and setting out a number of fundamental rights and duties of citizens, including civil, political, social, cultural, and economic rights. The Constitution abolishes the former constitutional monarchy and establishes a unicameral National Assembly, the Government, the People’s Courts and the Office of the People’s Prosecutor. These branches of the State are defined in Article 52, Chapter V (National Assembly), Article 69, Chapter VII (the Government), and Article 79, Chapter IX (the Judicial Organs) of the Constitution.

Approximately 100 laws have been adopted since the Constitution was promulgated, regulating broad areas of public and private life, criminal and civil, ranging from social and cultural to economic, administrative, and governmental matters. State legislation is augmented by various pieces of subordinate legislation in the form of decrees, decisions, ordinances, regulations or guidelines – issued by ministries or agencies delegated with such authority. These define the application, or detail the implementation procedures, of the law. Under the 5-year plan of the National Assembly 2011-2015, a set of 91 laws are expected for adoption or amendment during the 2011-2015 period, further strengthening and consolidating the legal system of Lao PDR.

Informal or Customary Law

Customary law and justice mechanisms act as an alternative or parallel to the formal state legal system. It describes a set of practices or usage developed/developing over a time that assumes an obligatory nature amongst a social group. In the context of Lao PDR, with its 49 ethnic groups often based in remote areas where state law and institutions do not have a strong presence, customary law provides a very important and pervasive basis for rights as well as a mechanism for dispute resolution – for much of the population particularly the ethnic groups. UNDP in partnership with Ministry of Justice has concluded a comprehensive survey on the role and impact of customary norms and practices on the overall legal system. It demystifies customary laws and recognises that this form of justice can co-exist with and integrated into the overall formal system. Key recommendations from this survey include: need for clarification of the relationship and respective jurisdictions between the various justice systems; integration of customary law considerations into policy and legislative development process, to further research and analysis using accumulated data on specific areas and the need to devise concrete initiatives to improve justice delivery for all and particularly for vulnerable and marginalised groups. The next step in this area is to develop a customary law strategy bridging the gap between the formal and informal justice system in the country.

International Law

As part of its programme of regional and international integration, Lao PDR has ratified or acceded to numerous UN or other multilateral treaty regimes, as well as regional agreements, and hundreds of bilateral treaties. These include the ratification of seven of the nine core human rights conventions and two optional protocols: the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of

---

1 People’s Perspective on Access to Justice Survey in Four Provinces of Lao PDR – UNDP and Lao Bar Association, November 2011
2 Customary Law and Practice in Lao PDR – UNDP and Ministry of Justice, July 2011
Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC), and the CRC’s two Optional Protocols regarding the “Sale of Children, Child Prostitution and Child Pornography” and the “Involvement of Children in Armed Conflict”.

In addition, Lao PDR also signed another core human rights convention in September 2008: the International Convention for the Protection of All Persons from Enforced Disappearance (yet to be ratified). The last core human rights treaty that Lao PDR has neither signed nor ratified is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

Having a ‘dualist’ legal system, however, international treaty obligations must be incorporated into Lao domestic law before they become effective in law - and practice.

The list of international treaties and conventions signed and ratified by Lao PDR can be found on the International Law Project’s website (http://www.ilp.gov.la/).

B. COUNTRY’S INSTITUTIONAL FRAMEWORK

1. THE EXECUTIVE BRANCH (MINISTRIES AND AGENCIES)

Ministry of Justice

In addition to its role in the preparation of draft legislation for the Government, the Ministry of Justice carries out a number of legal support functions in the Lao PDR. Most relevant to Access to Justice is its role in the overall dissemination of legislation, administering the lower courts, coordinating judgement enforcement, regulating and overseeing the legal profession and the Lao Bar Association (LBA), and monitoring the work of Village Mediation Units (VMUs). The MoJ has branch offices at the provincial and district levels.

Office of the Supreme People’s Prosecutor

The prosecution service is similarly multi-layered with offices of the people’s prosecutor at the district level; provincial people’s prosecutors; an Appellate People’s Prosecutor in the Northern, Central, and Southern regions; all headed by the Supreme People’s Prosecutor. Apart from their role prosecuting in court those charged with criminal offences, the Office retains another important function - a legacy of its earlier incarnation as the Procurator’s Office.

This second function has broadly been categorised as ‘the supervision of legality’ and includes: monitoring general compliance with the law by various bodies and citizens, investigation organisations (e.g., police, Department of Forests, and tax, customs or immigration inspectors), court proceedings, and places of detention (e.g., prisons), as well as investigating crimes or taking measures to prevent them. This means that prosecutors have a very strong hand in criminal proceedings. At the same time, prosecutors also have an important role in ensuring the fairness of all types of dispute resolution mechanisms - both in terms of facilitating access and in the outcome - and should also act as a check on abuse of power, undue influence, or other inappropriate behaviour.

Police

The police – under the Ministry of Public Security (MPS) - is one of the most pervasive of justice organisations, in terms of their presence down to the grassroots level but also in terms of their interaction
with the public on a regular and routine basis. In addition to maintaining public peace, law enforcement, and crime investigation, places of detention also fall within the Ministry’s purview.

Additionally, in each village there is a representative of the state in charge of ‘security’ (phokhosor ban). There is also a military representative (khornlorn ban) responsible for ‘external threats’ to the community.

2. The Judicial Branch

Formal Court System

In 2009, almost 8,500 cases were brought to court - i.e., the formal justice system - throughout Lao PDR. The court system is divided into four tiers: area; provincial - or, in the case of Vientiane, the Vientiane Capital Court; regional; and the People’s Supreme Court (PSC).

Area courts are the result of the recent organizational restructuring by consolidating 103 district courts into 39 sub-provincial courts. These area courts have jurisdiction over civil claims less than 300 million kip (USD 36,500), as well as minor criminal cases in which the maximum sentence is three years or less. Whereas, in the past, there was meant to be a first instance court in each district - in practice, in 2010, there were only courts in 102 of 143 districts, due to a shortage of judges – and these district courts have now been consolidated into thirty-nine area courts.

The sixteen provincial courts and (one) Vientiane Capital Court are the courts of first instance for those cases falling outside of the jurisdiction of the area courts, as well as being the appellate courts for cases decided by the area courts. The three regional courts - Northern, Central, and Southern - hear appeals from the provincial courts. The PSC, located in Vientiane, is the highest level court and court of last resort. In addition to its apppellant jurisdiction, it has authority to issue guidelines or instructions on legal issues to, and supervises the work of, the lower courts. The PSC may also serve as the court of first instance in certain important cases.

In terms of the formal justice system and Access to Justice, the area courts are the most significant for the majority of the population in Lao PDR. This is both because of the type of cases that they handle - i.e., small disputes or minor offences - but also related to their relative proximity to where people live, particularly in the rural areas.

Semi-informal system (Village Mediation Unit)

In addition to the above, the semi-informal system is represented by village authorities and village mediation units as elaborated below. In the village, there should be a ‘Village Mediation Unit’ (VMU) under politically supervision of village’s Party Committee and village administration. The VMU is a semi-formal mechanism under technical guidance and supervision of district’s Justice Office which is under the supervision of Department of Judicial Administration of MoJ. The MoJ aims to set up a VMU in every village. At the time of the Survey in 2009, there were 8,766 VMUs in the country. Of these, 7,365 had been upgraded in terms of their capacity. There were 53,559 members of VMU Committees of whom 7,938 were women. VMU committee members are usually drawn from relevant organizations such as: village’s Lao Front for National Construction, village’s Union of Army Veterans, village’s Lao Women Union, village’s Lao Revolutionary Youth Union, village’s elders or representatives of ethnic groups, and village’s security force (based on the National statistics of 2009).

The VMU assists the village administration to enhance justice in the village; e.g., by disseminating law and regulations, encouraging compliance with the law, and settling minor disputes, both civil and criminal. Such
dispute resolution is carried out on the basis of the law, as well as local tradition, but usually in order to reach a negotiated, conciliatory settlement of the problem; i.e., a mediated settlement.

3. **The Legislative Branch (The National Assembly)**

The Constitution of Lao PDR, adopted in 1991 and amended in 2003, designates the National Assembly as the highest organ of the State, vested with representative, legislative and oversight functions. As such, the National Assembly has a pivotal role in national policy with wide ranging duties and responsibilities. The capacity of the National Assembly to fulfil its constitutional mandate has increased over the years. Despite these significant achievements, the NA remains a young institution.

In addition to these recent legal developments, the National Assembly has adopted its ambitious 5-year plan in 2011 under which 48 new laws are expected to be drafted and passed and 43 existing laws to be amended.

The National Assembly is in a unique position to promote and ensure good governance in the country. It is both the highest legislative organ of the state, and also the highest representative of the Lao people by way of elections. Over the years, the National Assembly has increasingly strengthened its role as a law-making entity through improved scrutiny of laws, adoption of the social and economic development plan, and its increasing oversight role over the Executive.

Regarding recent developments in the National Assembly, Lao PDR held national elections of its members in April 2011. A total of 132 members were elected to the 7th Legislature. Out of the 132 elected Members, 90 are new parliamentarians, which constitutes 68% of the total NA membership. Female representatives account for 25% of the total NA membership, placing the Lao National Assembly among the highest in the region in terms of women’s representation.

The National Assembly held its inaugural session of the 7th Legislature in June 2011. During this period, NA members elected a new Assembly President, State President, Vice President and Prime Minister of Lao PDR, and approved the appointment of government ministries, and other high-ranking officials. The new National Assembly structure including the appointment of President and Vice Presidents of Committees was also approved during the inaugural session.

**Petitions:**

In addition to the formal, semi-formal, and informal dispute resolution mechanisms petitions can be filed. A petition is a document presented by a citizen or organisation to the relevant authority requesting that they consider and deal with an action or decision made that the petitioner believes infringes the law and affects the interests of the State, community, the rights or legitimate interests of the petitioner.

For example, as part of the National Assembly’s oversight role, it has a mandate to receive public petitions. These may relate to administrative decisions, court decisions or individual state officials’ decisions or behaviour. Petitions are reviewed and may be referred to the Standing Committee of the National Assembly. The Standing Committee may then request the OSPP or PSC to review and re-consider a court decision or instruct the government to address the grievance.

There are three types of petition: (1) a petition to a State administrative body, which is called a ‘request’; (2) a petition to a judicial body, such as the prosecutor or court, is called a ‘claim’; and (3) a petition to the National Assembly is a ‘petition for justice’.
4. **Other Actors of the Legal and Judicial Sector**

**Lao Bar Association**

The Lao Bar Association (LBA) was established in its present form in 1996, pursuant to Prime Ministerial Decree 64, and the Law on Lawyer has been adopted in 2011 but much of the legislation is not yet implemented. Lawyers, of course, are part of the ‘formal’ justice system. They are not part of government, although they are regulated by the MoJ. As such, they can be an important source of independent legal advice and assistance; especially in criminal matters or where the dispute is of an administrative nature. With initiatives - such as the Intern Training Program established with the National University - the number of law graduates joining the Bar is on the rise. Moreover, activities are being carried out to raise the profile of the LBA and lawyers generally. Under the LSMP, the LBA has become a self-regulatory professional body with its own Code of Conduct and disciplinary procedures. The UNDP-funded “Enhancing Access to Justice through the Lao Bar Association” Project (LBA Project) – contributed to institutional strengthening within the LBA, as well as professional capacity development, and supporting public legal education and access to Justice through free legal services; e.g., legal aid clinics, including mobile clinics in certain provinces. Lessons from this have influenced the design of the current project.

**Civil Society**

Given the fact that the presence of civil society has been relatively young (the Decree on Associations was adopted only in 2009), the lack of a strong civil society in the Lao PDR - as distinct from organs or affiliated bodies of the Party - presents certain challenges for the implementation of Support Project and, indeed, the broader LSMP. These limit the feedback loop in terms of gauging the effectiveness of reform and, still less, about the perception and effectiveness, accessibility, and responsiveness of legal sector institutions, procedures, and substantive law to the public. This is particularly so in respect of the poor and other disadvantaged groups. The Access to Justice Survey, carried out in 2009 under the auspices of the LBA Project, as well as the Customary Law Project, established certain baselines and gave a clearer picture of the current situation ‘on the ground’.

Moreover, the creation of a legal framework for non-profit associations (National civil society), by the Decree on Associations in 2009 - as well as other CSOs, INGOs, and, of course, private sector associations, such as the Lao National Chamber of Commerce and Industry (LNCCI) - has facilitated and can facilitate greater public involvement and more effective legal sector reform initiatives. Since the Decree on Associations was promulgated, the number of officially registered NPAs jumped from 39 in November 2011 to 132 in September 2013, which clearly shows the Government’s commitment to promoting the role of civil society in the country.

2012 marked a significant first step for civil society, as 5 NPAs participated into the Round Table Implementation Meeting for the first time and have been selected in a participatory manner for the high level round table in 2013 as well. It is expected that NPAs will increasingly take part in such public and policy dialogue in the coming years.
In Lao PDR, the process of legal reform, and the realignment of the role of law in society, began in 1986. At that time, a shift from the centralised command economy to decentralised market mechanisms was initiated under the “New Economic Mechanism”. As part of this process, priority was placed upon the establishment of a legal framework to support this transformation. This period saw the genesis of the concept of the ‘rule of law’ state in Laos. It was also at this time that the Vientiane Law School, the first legal training institution in the country, was established at the National University.

This situation changed rapidly in the 1990s. Most notably, a Constitution was adopted in 1991. Article 10 of the Constitution, as amended in 2003, states: “The State manages society through the provisions of the Constitution and the laws. Party and state organisations, the Lao Front for National Construction, mass organisations, social organisations and all citizens must function within the bounds of the Constitution and the laws.”

A defined legislative programme was formulated and a spate of laws prepared and adopted. The small corpus of existing legislation was quickly overhauled or replaced. The amount of new legislation adopted in the 1990s was three to four times that adopted in the previous fifteen years. It was also around this time that donors began specific support of legal reform and capacity-building. This is also when the Supreme Court was officially recognized as an independent judicial organ (the court’s system was previously under the administration of the executive, namely the Ministry of Justice).

Under the auspices of the UNDP “Building a National Legal Framework” Project, which supported the drafting of a number of key laws, as well as the development of basic legislative-drafting capacity within the relevant government agencies, the first comprehensive “Assessment of the Lao Legal Framework” was carried out by a team of consultants and completed in 1997. In addition to identifying priorities for improvement in the drafting process and law-making agenda, the Assessment also recognised the need for commensurate development of law implementation agencies – courts, prosecutors, police, etc., - both in terms of their knowledge of new legislation and of their revised role in a ‘rule of law state’, for improved legal education and more effective legal dissemination, and for the development of the private Bar. Amongst other things, these recommendations fed into support to the People’s Supreme Court (PSC) and the Office of the Supreme People’s Prosecutor (OSPP), in addition to the MoJ.

By the time these initiatives concluded in 2002, the legal system seemed poised for change. Most significantly, the Constitution was amended in 2003, with a significant strengthening of the country’s commitment to the rule of law, as well as consolidating the independence of the judiciary. The powers of the Prosecutor’s office were realigned, moving away from its previous ‘supervisory’ role to that of a more prosecution-focused one. Provincial, district, and local courts which used to fall under the supervision of the Ministry of Justice until the amendment officially became part of an independent judicial organ administered by the Supreme Court. The Government prepared a National Poverty Eradication Plan that emphasised the need for a strong legal system to encourage foreign investment and private sector development. Other developments followed, including significant new infrastructure investments for the PSC, OSPP, and Vientiane Law School.

---

3 For example: UNDP with LAO/90/001 and Sida with “Strengthen the Rule of Law in Laos”.
4 LAO/95/002.
5 Respectively, projects LAO/99/006, LAO/99/007, and LAO/99/008.
In 2005, UNDP and Sida supported the establishment of a “Preparatory Assistance Project that supported initiatives to tackle the perceived gaps and failings in the legal and judicial sector and devise a comprehensive long-term plan for its reform.

In September 2006, the national working group presented an agreed draft of the "Master Plan for Law Development to 2020" - or Legal Sector Master Plan (LSMP) - to the Minister of Justice. It contained an evaluation and assessment of the current status of the legal system. It also identified the objectives, guiding principles, and needs for the system’s comprehensive development, as well as set out the broad parameters for a legal system development strategy to 2020. It was an endeavour to engender co-ordinated justice system development and was based upon four central ‘pillars’ of the system:

- Pillar 1: framework of laws, decrees and regulations;
- Pillar 2: law-related institutions that implement the legal framework;
- Pillar 3: means for educating and training on the use of the system; and
- Pillar 4: means for ensuring that all laws and regulations are accessible to both state agencies and citizens.

The Minister of Justice, in turn, submitted the draft to the Prime Minister’s Office in November 2006.

Between 2006 and 2009, reform in the legal sector did not stand still. The Political Report to the 8th Party Congress contained a statement of vision dealing with the strengthening of the Lao legal system and the building of a rule of law state that echoed the draft LSMP, even referring to the four pillars of the legal system described therein. The draft LSMP was also related to the National Growth and Poverty Eradication Strategy (NGPES), adopted by the National Assembly in November 2003, providing a comprehensive policy statement of the Government. Through the NGPES, the Government committed itself to an agenda for equitable economic growth and poverty eradication, defining governance and public administration reform as priorities.

In 2006, the Strategic Plan on Governance (2006-2010) was prepared. It contained an extensive section on “the rule of law and access to justice”. The plan set out the aim “to develop a coherent, credible and predictable legal framework established in a transparent and participatory manner, while at the same time building efficient, effective, equitable and accessible justice and law enforcement institutions and systems.”

More prosaically, a Bilateral Trade Agreement with the United States was signed. That, along with the Government’s avowed aim of WTO accession (Lao PDR officially became the WTO’s 158th member on 2 February 2013) and formulation of a WTO legislative action plan, accession to the ICCPR and UNCAC, and implementation of the ASEAN Charter reinforced the need to reform legislation and judicial practice to meet international obligations in the near future.

In 2012, the legal framework has been further strengthened through the adoption of the Law on Law-making by the National Assembly. The Law on Law-making will provide the guidance on how laws and sub-laws can be developed, creating a more systematic approach. As of March 2013, much of the Law on Law-making remains to be implemented.

Many of the activities envisaged under the draft LSMP have been, or are in the process of being, implemented. Approximately 90 laws have to date been adopted by the National Assembly, and it has been implementing its ambitious plan of amending and drafting more than 90 laws in the 5-year period. Courts and prosecutors’ offices have been restructured or new ones added (the Government is planning on establishing administrative court and labor court within the next few years). Village Mediation Units have been established in most of villages and supported by the Ministry of Justice.
D. **Policy Context in Lao PDR**

1. **Current mechanism established by the Government:**

Spurred by all of this development, the LSMP, after some minor modification and updating, was finally adopted by the Government in September of 2009. The LSMP evaluates the past development of legislation and law-implementation organisations, defines the strategy for the development of the rule of law to 2020, and describes the methods and measures to achieve this goal.

Pursuant to this, the LSMP National Steering Committee (NSC) and Inter-agency Working Committee (IAWC) were formally constituted. Similarly, the Ministry of Justice, Ministry of Public Security, Office of Supreme People’s Prosecutor, and People’s Supreme Court have been designated as the core agencies of the LSMP implementation. In March 2010, the Minister of Justice appointed the LSMP Secretariat members, and subsequently the 4 pillar committees and working group members in December, while defining their respective roles and responsibilities. And in June 2011, the first Inter-Agency Working Committee was organized, chaired by the Minister of Justice.

The plan to establish a National Steering Committee for the LSMP implementation was integrated into a larger framework for the National Leading Committee on Governance (NLCG), which was officially established in February 2012. The National Leading Committee on Governance is to oversee not only the rule of law but also the rest of the pillars in the governance sector (namely people’s participation, sound financial management and public service improvement) and is chaired by the Deputy Prime Minister (deputy chairs being the Ministers of Justice and Home Affairs). In conjunction with this development with the National Leading Committee on Governance, the Inter-Agency Working Committee is expected to be subsumed under the proposed Project Board which will oversee the overall implementation and management of the Legal Sector Master Plan, including development partners as Board members. The Project Board is expected to be established when the SPLSMP is launched in late 2013.

At the policy level, state institutions have continued to affirm the aims set out in the LSMP. The 9th Party Congress, held in March 2011, endorsed a 4-point breakthrough approach in order to achieve the MDGs by 2015 and Lao PDR’s graduation from LDC status by 2020 (corresponding to the legal sector’s goal to establish a rule of law state by 2020). The approach includes improvement of the management and governance regulations and systems, human resource development, particularly the upgrading and nurturing of the knowledge and competence of officials, and, more generally, ‘new thinking’.

The 7th NSEDP (2011-2015), inter alia, seeks to reform the country in the direction of rule of law, ensure equality and justice in society, and fight corruption: more specifically, “[t]o focus on implementing prevailing laws, to ensure equality before the Law for the entire Lao population and further strengthen the legal framework to reflect the interests and concerns of citizens … [and t]o ensure people have access to the legal and judiciary system and gradually integrate the legal framework into the region.” To name a few examples in this regard, a Decree on Associations was promulgated in 2009, a *Law on Lawyers* adopted in 2011, and the Law on Law-making in July 2012. All of these clarify and strengthen the legal system, as well as create new opportunities and challenges for the development of competencies, processes, and participation.

2. **Challenges in the Legal and Judicial Sector:**

Despite positive developments and achievements in the legislative and legal environment over the years, many gaps and weaknesses have persisted in the Lao legal system. There has been an absence of an authoritative and detailed statement directing legal reforms from the highest policy-level, which has resulted in relatively slow progress, as well as a lack of concerted, coordinated action. There was also a lack
of participation in legal reform activities by many stakeholders: notably, the Ministry of Public Security (MPS) and a broader cross-section of civil society, private sector, and, indeed, the public at large.

The most fundamental need now faced by the country, as it seeks to build a rule of law state, is to establish a comprehensive legal system instead of engaging in ad hoc, piecemeal legislative, procedural, and institutional reform and capacity-building. This will require the coordinated effort of many agencies and ministries, cooperating on a sustained basis, and cannot be accomplished without the involvement of top Lao legal specialists, working together and drawing upon the best of comparative legal materials and expertise from regional and international sources. This work will require a strong commitment from Lao authorities at the highest levels and a significant allocation of both material and human resources. Most importantly, it will require the understanding, support, and empowerment of Lao society, at all levels and in all sectors, to promote and ensure long-term systemic, and equitable, development.

Main challenges facing the legal and judicial sector are articulated below:

**Gender**

Women constitute over 50% of the Lao population but only a small proportion of the legal sector. According to the UNDP’s *Access to Justice Survey* in 4 provinces, women are generally disadvantaged, as compared to men in Lao PDR in terms of their access to development resources, education, and health services. For instance, women’s literacy rate is 48%, as opposed to 74% for men. Amongst some ethnic groups, these rates are significantly lower, causing difficulties for women to access information about their rights and also interact with state or administrative institutions.

Residence patterns also impact upon women’s quality of life and their ability to access information about their rights, as well as to seek a remedy in a conflict situation. In some ethnic groups where the custom is that a bride moves in with her husband’s family after marriage, the woman is in a relatively weak position in terms of status within the family. Inevitably, she is disadvantaged in terms of realizing her rights in the event of a family dispute or break-down of the marriage, and more likely to be restricted in seeking external assistance to resolve any dispute.

**Difficult access to justice**

**Limited knowledge of the formal justice system**

According to the Survey, 78.7% of the respondents (600 total) were aware of the customary system, which was the best known mechanism, followed by the village mediation units (72.2%), whereas the formal system scored only 65.5%. In the case of the Khammouane province, only 42.7% were familiar with the court system in the area. In terms of procedures, 35.3% knew how to file a complaint with the village mediation unit, while only 16.2% of VMU users knew how the conflict resolution process works. A much lower 14.7% knew how to file a complaint with the court.

A number of factors may influence or inhibit a person’s ability to know his or her rights and act appropriately in order to realize or defend them. A major barrier to this is the initial acquisition of knowledge about those rights, as well as remedies when they are violated. Indeed, 35.2% of respondents stated that their lack of capacity and knowledge (where to go, whom to address, and how to formulate a complaint properly) was the main barrier to their accessing the formal justice system.

**Limited legal aid**
Legal aid services can be a major factor in helping local residents to become more fully aware of their rights and to access effectively the appropriate mechanism to protect them when a dispute arises. While such services do exist to a very limited extent in Lao PDR, only 14.8% of respondents were aware of legal aid services. Of these, 16.2% mentioned that such services were available in their areas but only 1.5% had ever used them.

15% of respondents commented that a mobile legal clinic came to their community and 14.7% had used one. And only 26.7% said that public legal education was available in their areas.

**Other barriers to access**

Poverty was mentioned by 20% of respondents as another barrier to access, 48.2% of whom earned less than 300,000 kip ($36 per month) as a major reason for not utilizing the formal justice system. Semi-formal mechanisms such as the VMU also have associated costs (25,000 – 100,000 kip; $3-12), but less than those in the formal system, while informal mechanisms are very low cost.

Physical barriers were also mentioned by respondents. As mentioned earlier, the consolidation of 103 district courts into 39 area courts can be prohibitive in terms of additional costs imposed upon litigants for travel expenses and time. On the other hand, 43.5% of respondents believe that the location of the VMU is easily accessible.

Finally, some respondents informed that the lack of judgments enforcement also prevents the full realization of rights, even when they are recognized by the justice system. Focus group discussions that took place during the survey mission also identified the implementation of mediation agreements as a major problem.

**Customary law**

Customary law systems are generally ill-equipped to deal with disputes concerning outsiders, which is a critical point as communities face major challenges to their basic survival. Customary law systems also provide an inadequate platform for handling community demands for justice vis-a-vis their governments, such as the ability to challenge government decisions that adversely impact upon communities or address abuses of human rights or power.

Thus, customary law systems can never substitute for robust, independent, and accessible state justice in the age of globalization. Yet given the familiarity with the informal justice system in the country (especially in remote areas), much greater attention should be paid to how customary law systems might reform to address their own shortcomings as well as to enabling the conditions necessary for such reform to take place. How to take account of norms and culture, while ensuring that minimal common standards are met, is a critical challenge involving the balancing of both complementary and competing interests.

**Harmonization of the informal with the formal justice system**

The Survey shows that actual customary system users were overwhelmingly satisfied with their experience, both process and outcome, while VMU users were slightly less enthusiastic and only half of court users were satisfied with the outcome. However, the boundaries between the informal and formal justice systems are of a rather ambiguous and interdependent nature. Cases move between the different mechanisms, as justice users attempt to navigate their way to the best process and outcome for their case. The lack of regulation of these movements from one system to the other means that decisions as to where cases should be heard are not handled consistently or systematically and often rely upon the subjective judgment of local justice or court officials.
On one hand, this fluidity may create opportunities for certain categories of justice users to exercise some choice over selection of justice forum. On the other hand, this constrains access to justice for the poor, uneducated, women or other vulnerable users (who are less likely to have the financial or human resources to navigate complex arrangements linking plural legal orders). Achieving a more orderly and clearly-demarcated legal framework, which recognizes the potential complementary roles of both systems, might help remove this as a barrier.

**Applicability of international standards to customary law**

Human rights standards may be universal but nevertheless, they are abstractly stated and require interpretation for their implementation within particular cultural contexts and to meet the differing social needs and demands of distinct societies. At the same time, those concerned for cultural diversity no longer assume essentialist understandings of culture as a fixed and knowable entity to be unquestioningly defended, but rather have assumed more dynamic and fluid understandings of cultures as arenas of contest or sites of struggle that are continually evolving, changing, and subject to diverse influences.

As Lao PDR has adopted important human rights treaties such as ICCPR, CRC, CEDAW, and CAT, it needs to adjust its informal and formal systems to fill the gap between international standards and customary practices.

**Lawyers**

Although the situation is improving, lawyers face a series of challenges. In court, the subordinate status of lawyers is still apparent, reflected in the respective seating arrangements for judges, prosecutors, and lawyers. A defence counsel is sometimes seated in the public gallery, rather than having a specially reserved place. Even the lack of distinctive dress conveys the impression that a private lawyer is not an office of the court.

There is also a shortage of lawyers (there are only 184 lawyers registered with the LBA as of September 2013), especially in rural areas, and their capacity and status needs to be enhanced. Lawyers services are not free and no comprehensive system of free legal aid is in place in the country. The law only requires that lawyers be provided in matters involving children, where there is a possible sentence of life imprisonment or death, or cases that are particularly complicated. As such, relatively few people can afford their services.

**Civil society**

As discussed earlier in this project document, the Prime Minister’s Decree on Association (issued in April 2009) paved the way for domestic civil society groups or organizations to officially register themselves as associations in Lao PDR. Prior to that, there was no clear legal basis to establish the official status of such entities. This decree is now proposed for amendment given the several gaps for effective implementation of this mandate in the country. There is need for a better legal framework for allowing civil society to grow and be effective in the country. As such, civil society may come to play a role in enhancing people’s access to justice and promoting human rights, but it is still in its infancy in the country. There are few such organizations, still fewer focus on legal rights and issues, and the public is largely unaware of them.

**E. Project Context**

In addition to defining a number of priority reforms and activities, the LSMP effectively provides a framework for a broad range of legal and judicial reform initiatives, some of which have already been planned or commenced. The scope of the LSMP is such that it potentially encompasses the entire spectrum of legal,
judicial, and even governance reform that has taken place, or is planned to take place, in the Lao PDR until 2015 and even through to 2020.

While, in practical terms, it was never envisaged that all such reforms would be subsumed within the LSMP, the innovation that the LSMP does introduce is that it puts these previous or ongoing reforms into ‘the big picture’ of sector-wide reform, adds a number of specific new initiatives, and opens the door for the systemic identification, formulation, and resource mobilisation for future activities. It must however be noted that the coordination mechanism established under the LSMP - and still less the proposed Support Project for LSMP (SPLSMP) - is not anticipated to subsume all other legal sector reform management structures within it. Where possible, DPs are to be encouraged to pool their funds, cost-share, or conduct their activities in the Support Project. Where such direct participation is not possible - owing to the regulations or policy of the partner or the nature of assistance provided - DPs are urged to utilise the LSMP management mechanism - e.g., the Secretariat and Pillars - or, at the very least, coordinate and harmonise their own management/supervisory structures with the management mechanism, particularly where there is an overlap in individual or institutional membership of such structures.

The aim in the long-term is, to the extent possible, to harmonise and streamline initiatives within the broad LSMP framework, and bring them under the LSMP coordination umbrella, in order to increase synergies and achieve cross-sector impact, as well as to reduce the administrative burden upon national authorities.

1. **UNDP’s contribution to the Legal Sector and Good Governance**

This Support Project builds upon the achievements and lessons learnt over the past 15 years of UNDP’s extensive support to the legal sector and other governance-related areas. The Preparatory Assistance Project supported the formulation and endorsement of the Legal Sector Master Plan. Under this Project, in-depth legal sector evaluations were carried out in 1997 and 2003. The 2003 evaluation, in particular, emphasized developing the legal sector as a group of organizations functioning as part of a single integrated and coordinated system. This is now reflected in the ‘four pillar’ approach of the LSMP. Subsequently, the 2008-9 Initiation Plan provided support for finalizing the draft LSMP and establishing the functional LSMP coordination mechanism. Upon completion of the 2008-9 Initiation Plan, the current Preparatory and Transitory Project was launched in late 2009, under which this Project Document is being finalized. One of the objectives of the current Project, which is due to be closed at the time of launching the SPLSMP, has been to set up an adequate national coordination mechanism for launching this comprehensive sectoral project.

A LSMP Support Project formulation mission was conducted under the auspices of the Transitory Project in March 2012 to pave the way for more comprehensive support to LSMP implementation. The mission had three aims: (1) to define a more streamlined coordination framework for the LSMP and SPLSMP, (2) to devise a means by which to integrate previously stand-alone initiatives within the LSMP framework, and (3) to draft and finalize the project document for the SPLSMP which is expected to be launched in 2013. The results of that mission are reflected in the present Project Document.

**The Lao Bar Association Project** supported the development of the private bar, including professional ethics and skills, as well as supporting the LBA in providing legal aid, legal consultation, and dissemination services. The LBA Project also produced a comprehensive survey on people’s perspective on access to justice in March 2011, which was the first kind of survey in the country to provide a snapshot of the current capabilities of the Lao people to take full advantage of their rights, and seek and obtain remedies for grievances. Some of such support may now be provided directly through this upcoming Support Project, while the LBA will also be involved in a wide-cross section of the LSMP and Project activities, given the important role private lawyers can play in testing and validating - and shaping - reforms at all levels of the system.
UNDP’s **Customary Law Project** implemented a strategic survey and data collection on comprehensive customary legal practices of a representative sample of ethnic groups throughout the country, while the recently published Customary Law Report shares recommendations on forming a national strategy on customary law. Such outputs will be also integrated into the SPLSMP in order to provide support for harmonization of the informal justice with the formal one.

Other areas of legal activities that UNDP has supported outside the LSMP framework include: Governance and Public Administration Reform (GPAR), the “Support to an Effective Lao National Assembly” Joint Programme (SElNA), Civil Society Support Programme and the International Law Project (ILP).

**GPAR** is concerned with improving effectiveness of public administration, particularly at those levels with a direct impact upon the public, government oversight of legal and administrative implementation, building capacity in public officials, better organisation of government and definition of roles of officials, and improved communications by the government in order to empower the public. These are also issues addressed under the LSMP, albeit much more focused on the legal and judicial institutions than on the broader government. Significantly, under the new phase of GPAR, a National Leading Committee has been established to ensure the effective and timely implementation of the priority areas in the governance sector, as well as provide guidance on policy interventions and strategies in the sector. As the Minister of Justice is to be a deputy chair of the National Leading Committee on Governance (NLCG) and much of the membership will be the same as that of the LSMP National Steering Committee (NSC), it is envisaged to merge or subsume the LSMP NSC within the NLCG. Not only would this reduce the administrative burden, but it would also strengthen the necessary linkage between developments in public administration and the legal/judicial sector. A new component also supported by EU has been developed that focuses on Strengthening Legal and Institutional Frameworks for Effective Public Administration and improved service delivery. The desired results by the end of this component is that new and/or revised legal and institutional provisions will be in place, providing the legal basis for more efficient and effective public administration and service delivery in Lao PDR, this will be implemented by Ministry of Home Affairs in close collaboration with Ministry of Justice.

The **International Law Project** is, inter alia, concerned with the ratification or accession to various international conventions, as well as improving Laos’ ability to implement, monitor, and report on them. This includes the training of various officials - e.g., judges where the treaty obligations are immediately applicable in domestic law - and incorporation of treaty obligations into domestic law. The Project has been also one of the pioneers in advancing the concept of human rights in Lao PDR by organizing various awareness-raising workshops and campaigns at both national and local levels. Such focus will be reflected in activities proposed under the Output 1 of the Project; i.e., developing the process by which to review, identify, and bring domestic law into conformity with international treaty regimes as well as supporting the implementation and reporting of the Universal Periodic Review recommendations. As such, as will be described later, the activities under the Output 5 are to be implemented by the Ministry of Foreign Affairs itself, in close cooperation with other stakeholders; in particular, MoJ.

Similarly, the **Support to an Effective Lao National Assembly (SElNA)** dealt with issues that are covered by the LSMP and inseparably linked with activities in the SPLSMP, given the National Assembly’s pivotal role in the legislative process: including, the review of draft laws and interpretation of legislation, its oversight of law implementation, and its mandate for law publication and dissemination, not to mention handling petitions against the acts of government and judicial bodies. The importance of such, particularly as regards subordinate legislation, has increased with the creation of local assemblies. As such, the work of SELNA complements that of the proposed Support Project, and the National Assembly would be integrally involved in developments under the LSMP, particularly those relating to Pillar I. To further continue support for the National Assembly, it is expected that the National Assembly Strategic Support Project (NASSP) be launched in 2013.
The Civil Society Support Programme provides support for the development of an enabling environment for emergence and functioning of local and international civil society organisations that work towards achieving the Millennium Development Goals (MDGs), by facilitating the development of a legal and regulatory framework, supporting the setting up of a coherent and effective government registration and monitoring structure at national, provincial and district levels.

The Programme aims to further enhance the knowledge of government officials and legislators on the role of not-for profit associations (NPAs), foundations and international NGOs to work alongside government towards the MDGs, particularly through the sharing of experiences and best practices amongst south-south countries in workshops held at national and provincial levels. The programme will also support awareness raising activities targeting the general public.

The programme approach has been adopted along the lines of Vientiane Declaration on Aid Effectiveness to ensure better coordination and harmonisation of civil society initiatives in Lao PDR. The purpose is to deepen government - civil society partnership in the line of Accra Agenda for Action, in order to achieve the MDGs.

2. Support provided by other UN Agencies in the legal sector

The importance of the LSMP management and coordination mechanism is equally apparent in initiatives undertaken by a number of other UN agencies working in the Lao PDR. The work of UNIDO, concerning industrial and enterprise development, is obviously impacted by the legal regime, particularly as it relates to business and investment regulation. UNICRI has been involved in legal and judicial training in the past although it currently has no project in the sector, as it is no longer a resident agency. UNFPA works on gender mainstreaming, as does UN Women.

In the case of UN Women, however, the focus is directed more towards legal sector reform: relating to legislative-drafting, including domestic violence legislation, access to justice, and review for incorporation and implementation of CEDAW standards. In 2012, UN Women began their work in the CEDAW implementation and support for strengthening the capacity of Lao Women’s Union and Lao National Committee for Advancement of Women.

UNICEF is also significantly engaged in the legal sector. Under its new Country Programme Document for 2012-2015, UNICEF’s programme component 4 provides that “[b]y 2015, children in the Lao PDR are [to be] protected against abuse, exploitation, violence, neglect and discrimination through the development of a legal, regulatory and social welfare system” and expressly refers to increased alignment under the LSMP umbrella. UNICEF’s programme will support the development of juvenile justice procedures and work to implement child protection measures, such as those set out in the Convention on the Rights of the Child and the domestic ‘Decree on the Protection of Women and Children’, building related capacity within the relevant justice agencies.

UNODC is focused on criminal law matters, especially as related to drug control and associated criminal acts. UNODC also addresses issues of trafficking, sexual exploitation and child protection, organised crime and counter-terrorism, and anti-corruption; particularly implementation of the UNCAC. This is to be achieved mainly through the development of legislation, training of the judiciary and prosecutors on skills relating to criminal law procedures, including investigation techniques, and public awareness-raising; i.e., it supports initiatives falling under all four LSMP pillars.

More generally, much of the work of UN Women, UNODC and UNICEF, in particular, falls within the coverage of the LSMP and is very closely related to the work of the SPLSMP. The revision of their country programmes
and action plans presents a timely opportunity for increased coordination and integration of activities with the LSMP, in addition to more streamlined management structures.

3. Support provided by Development Partners in the legal sector

The World Bank, ADB, IFC, GIZ, and AusAID support a number of initiatives relating to business, SMEs, trade, investment, finance, banking, and other economic matters: including, legislation, regulatory regimes, and regulatory impact assessment (RIA). The United States is concerned with trade issues, particularly in the relation to their Bilateral Trade Agreement and Laos’ aim to join WTO (it has become a member of WTO in February 2013), and has provided support to Lao institutions through its LUNA Project. Other Governments, such as France (whose upcoming Project will be discussed later in more detail), Germany and Singapore promote human resource development in the Government sector. JICA and Luxembourg are engaged in legal education, either of law students or of legal officials, with JICA supporting the development of practitioners’ handbooks and reform of civil and criminal procedural law. SDC, amongst others, is concerned with governance issues: registration, public administration reform, and access to justice for the poor.

A number of these DPs have provided support to joint programmes, such as SELNA or GPAR. Some DPs might choose to support the SPSLMP or certain aspects or sub-projects within it. The SPSLMP, particularly in its support of the national LSMP coordination mechanism, will strive to ensure that effective coordination is achieved and that successful reforms achieved by each initiative are disseminated widely and systematised.

4. Lessons Learned in the Legal Sector

- The weakness and inefficiency of the judicial institutions; people’s preference with the informal justice

The Survey Report on Access to Justice released in November 2011, while stating “there is a strong link between Access to justice and the creation of a Rule of law state “, outlines some key conclusions: legal knowledge exists to the extent that most people can identify the right framework,” when significant rights have been violated and where to seek a remedy.” Access to justice mechanisms is constrained by a number of factors such as poverty, insufficient number of lawyers, and lack of confidence in the formal justice. Lack of confidence and constraints to access to justice indicate that people are more willing to resort to judicial institutions that are able to produce fair results. In this respect, preference is largely given to customary mechanisms or informal justice while the overall judicial system is affected by a broad lack of confidence linked with low quality service and absence of enforcement of judgments.

The process of “negotiated justice” is relevant to the socioeconomic environment in Laos, a multicultural and multiethnic society, and is seen as a factor for stability at the grass-roots level. Therefore, focus should be also placed on the overall improvement of the informal justice, wherever possible, and the strengthening of the already existing judicial institutions.

Finally, the Survey identified a strong demand for more information on justice-related issues, family laws and everyday issues affecting people’s daily lives. The consistency of the legal knowledge will highly depend on the legal awareness methodology where local officials and participatory methods are seen as key vectors for legal dissemination.

- The need for a more comprehensive approach to capacity development.

Capacity development continues to be seen as merely training of staff rather than being addressed in a more comprehensive and systematic manner, focusing not only on the individuals but also on the enabling
environment (including procedures, policies, laws, and regulations) and on organizations (processes, resources facilities and management systems).

Capacity development in the legal sector lacks structure and efficiency. Several training centers co-exist without any regular coordination and a comprehensive approach towards meeting capacity needs. Besides the initial training provided by the Faculty of Law, Ministry of Justice, Ministry of Foreign Affairs, Office of Supreme People’s Prosecutor, and Ministry of Public Security have set up their own training facilities. Short of further clarification and coordination in designing programmes at each facility, the rationale proves to be difficult to assess and the results are partially meeting the technical requirements for the government officials to address the challenges of developing a holistic “coherent, credible and predictable legal framework” as underlined by the goal of the LSMP.

The Phase III of the International Law Project also revealed a number of systemic difficulties related to the issue of capacity development. The mid-term evaluation report of ILP Phase III stated that the prospect of ILP-III impact is promising but depends on continued government commitment. However, training so far has built capacity mainly at the central level. Therefore, potential sustainability will be strengthened with more awareness-raising to reach wider geographical and functional groups of MOFA and other line ministries and an extension of outreach activities with focus away from centralized institutions and more towards provincial and district levels.

Continuing the post ILP Phase III, it is recommended to integrate activities into a robust programme of support to Lao PDR ‘through a convergence of ILP III and the LSMP support project’ to support the implementation of the comprehensive LSMP project.

- Need for a synergy framework for cooperation initiatives.

Until the official adoption of the Legal Sector Master Plan in September 2009, the legal sector lacked a comprehensive strategy that essentially puts together all relevant stakeholders. As a result, the nature of previous projects and programmes supported by various development partners tended to be somewhat fragmented or sporadic, resulting in insufficient coordination among line ministries, unnecessary duplication of work, and lack of synergy amongst legal focused programmes.

Through the current Preparatory and Transitory Phase Project supported by UNDP, a national management and implementation mechanism for the LSMP has been set up. Namely, the LSMP Secretariat has been established; officials from the four main agencies involved have been appointed as Head of each pillar along with LSMP focal points. In the meantime, the LSMP website has been set up, while customary law database have been established and a compendium of relevant legal documents distributed to all villages in Lao PDR.

The ultimate goal of the LSMP programme to establish a rule of law state by 2020 requires an inclusive support framework which translates a strong commitment from the Lao high-level authorities as well as development partners so that fundamental rights of citizens are protected and the legal rights of all persons - natural or juristic - are known and respected.
PART III: PURPOSE OF THIS PROPOSED PROJECT (SPLSMP)

A. **OBJECTIVES:**

The long term development goal of this Project is to strengthen the legal and institutional framework for the rule of law in Lao PDR, and also ensure that Lao PDR becomes a state based on the rule of law and thereby are able to avoid or mitigate the developmental problems such as corruption, cronyism, and weakened economic opportunities.

In terms of the United Nations Development Assistance Framework Action Plan, the SPLSMP is designed to contribute to Outcome 2: “By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making.”

Its short-term objective is to integrate and improve the legal and institutional framework with the aim of making it more effective and accessible to promote human rights and the rule of law. In practical terms, it will achieve this by supporting the development of a more coherent, effective, transparent and responsive legal system that protects and advances the full exercise of rights and access to justice by all citizens of Lao PDR. In effect, rather than simply implementing a predetermined set of specific reforms, the Project will also create a framework in which change and further development in the sector can be managed and coordinated over time. Such change and development will be effected on a continuous basis, in close consultation with stakeholders, guided or fleshed out by - but not restricted to - the concrete priorities established by the LSMP and the work plans of the Project.

The SPLSMP is also designed to contribute to the United Nations Development Assistance Framework Action Plan Output 2.4: “The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights.”

But this is not to say that the proposed Support Project will provide comprehensive support for implementation of all aspects articulated within the Legal Sector Master Plan, which carries an ambitious set of outputs and activities. Rather, the objective of this Project in its inception phase is to assist the Government in setting up an effective national framework to manage and implement the Legal Sector Master Plan, which could eventually oversee and provide guidance to the entire legal sector of Lao PDR. The SPLSMP is simply the first step towards achieving such efforts and expects that there will be subsequent actions to be followed.

**Contributing to National Strategies**

The LSMP implementation is related to the goal of the National Growth and Poverty Eradication Strategy (NGPES). The NGPES recognises governance and public administration reform, including strengthening the rule of law, as priorities: i.e., a “vital link between economic growth and poverty eradication, and an essential condition for moving beyond the status of an LDC by the year 2020”.

The NGPES was incorporated into the development strategy for Lao PDR defined in the 7th National Socio-Economic Development Plan for 2011-2015 (NSEDP). The NSEDP calls for implementation of the law, so as to ensure equality before the law for all citizens, greater strengthening of the legal framework to reflect the requirements of a middle-income economy.

---

7 This Project together with the GPAR Programme, which will be also funded by the EU, will contribute to the EU’s overall objective of “strengthening the legal and institutional framework for the rule of law and effective public administration in Lao PDR” with this Project focusing on the rule of law and the GPAR Programme on effective public administration.

8 This development objective corresponds to the specific objective stated in the EU TAP.
demands of the people, better access to the legal and judiciary system, and gradual regional legal integration. These are clearly the aims of the LSMP as well.

Therefore, LSMP implementation is aligned with Lao PDR’s long-term development goal of raising itself out of the status of a least developed country (LDC) by 2020: the “2020 Goal”. The LSMP would tackle some of the developmental problems associated with states that have not firmly established the rule of law; namely, corruption, cronyism or nepotism, arbitrary application of rules, and diminished or restricted economic opportunities.

Rule of law and a properly functioning justice system will provide a number of social and economic benefits to the people of Lao PDR. Implementation of the LSMP will bring Laos more into line with its international obligations, enhancing its international standing. Beyond that, as is recognised in the strategies and more generally, a more transparent legal system should unleash the economic potential of Lao PDR and its people, as well as safeguard and promote their rights and interests.

**Strategic Objectives**

Given the project context, considerable success has already been achieved by facilitating the development of a comprehensive LSMP which goes far beyond capacity-development or low or mid-level institution-building. The strategic objective of the SPLSMP is to ensure continued momentum and high-level attention to the proposed far-reaching activities, as outlined in the LSMP, by offering increased support to the coordinating mechanism and involving all main law-related agencies and other stakeholders, including the public, in the discussion and reforms relating to important issues of rights, processes, and law.

By 2020, Lao PDR’s legal system will have been developed by a series of fundamental measures intended to implement the principles of the Constitution, including the principle of the “supremacy of law” affirmed in Article 10. The cornerstone of this development is a coordinated effort to enhance the efficiency and effectiveness of implementation or enforcement of the law, so that fundamental rights of citizens are protected and the legal rights of all persons - natural or juristic - are known and respected.

Finally, such improvements in the legal system will create the legal basis for accelerating domestic efforts to integrate the country into the regional and global economy, increasing equitable and sustainable growth, as well as the international legal system.

**B. INTENDED OUTPUTS:**

The proposed Support Project for LSMP implementation consists of six main outputs or ‘projects’ that will (i) facilitate the task of the LSMP implementation and coordination mechanism - i.e., NLCG, Secretariat, and Pillars - and (ii) carry out activities with the key law-related agencies and other stakeholders to achieve core reforms, as defined under the four pillars of the LSMP.

This section provides an overview of the key outputs:

**OUTPUT 1: ENHANCED CAPACITY, PROCEDURES, AND STANDARDS FOR LEGISLATIVE DEVELOPMENT AND IMPLEMENTATION IN LAO PDR⁹**

Output 1 of the SPLSMP essentially contributes to the objective of Pillar 1: Development of a uniform, coherent, clear, credible, and predictable legal framework in a transparent and participatory manner. The

---

⁹ Corresponding to Expected Result No. 1 under Specific Objective 1 of the EU TAP.
Ministry of Justice (particularly Department of Law) is expected to take the lead in this Output as an Implementing Partner.

A coherent, effective, efficient and well-resourced legislative framework is a critical foundation for the rule of law and development of any legal system. Given Lao PDR’s unique political history, its legislature and related legislative culture lack relative transparency. While National Assembly members are elected in a popular election, the majority serves in a part-time capacity. The supporting administrative machinery also lacks adequate human resources. The National Assembly adopts legislative plans, but the effective implementation of these plans remains a challenge because of inadequate resources. This output addresses some of these challenges to help lay a sound foundation for the development of the rule of law with the following sub-outputs:

1.1 The way forward formulated for improving current legislative development process, based on a comprehensive baseline assessment

Since there hasn’t been any comprehensive baseline assessment conducted to understand the process of legislative development and implementation in Lao PDR, this will be a key initiative during the initial phase of the Project to grasp a good understanding of how the law drafting process takes place and where the international community could intervene so that a systematic approach to law drafting could be developed.

1.2 Systematic and consistent law drafting process introduced through development of a law making manual

As articulated in the baseline section (see the Results and Resources Framework), the Law on Law-making has been adopted in July 2012 by the National Assembly. In order to implement the Law in a practical manner and also draft laws in a more systematic way, developing a law making manual is a critical step to achieve the National Assembly’s 5 year-plan to draft and/or amend more than 90 laws. According to the LSMP, the Ministry of Justice, Ministry of Foreign Affairs and National Assembly have been tasked to review existing manuals and guidelines on the drafting of legislation and develop procedures and techniques to ensure consistency in law drafting.

The manual can include, but is not limited to:

- Legislative checklists, setting out such indicators as gender, environmental, economic or social impacts
- Clearer definition of the hierarchy of legal norms and legislative interpretation tools
- Clear description of a step-by-step process of law-making
- Standardization and accessibility of legislative terminology
- Specific regulations governing the revision, codification, or consolidation of law, including the possible use of omnibus legislation
- Procedures and tools for screening domestic legislation for conformity with international obligations, human rights, and gender-responsiveness;
- Guidance on multi-stakeholder consultations in the process of law drafting with focus on vulnerable and marginalised groups particularly in remote areas, and civil society, with concrete process and examples

Upon development of the law making manual, legal experts from relevant agencies (including the Law Committee of the National Assembly) shall receive proper guidance (workshop/training) on how to maximize the use of the manual when preparing a law to draft/amend (corresponding to EU TAP 1.4).
1.3 A handbook of legal terms in Lao developed to provide support for consistent terminology in legal drafting

One of the central challenges faced by the legislature is the use of appropriate and consistent terminology, particularly for very technical legal wording. In this sub-output, it is intended to provide support for the development of an official handbook that provides consistent legal terminology and definition of legal terms in order to assist legal drafting and ultimately legal scholarship and education in the country.

1.4 More systematic approach achieved for amending and drafting key laws, using the uniform law making manual to enable improved legal system

This Sub-output provides technical assistance to the drafting and amending of required laws and regulations (EU TAP 1.3), particularly priority laws planned under the National Assembly’s 5-year plan. It is critical that this Sub-output is used as a pilot activity to take advantage of the law making manual at every stage of the process. This is the first step towards a more systematic approach to future law drafting.

Selection of priority laws will be decided each year in close consultation with the National Assembly, Ministry of Justice, and other relevant ministries/agencies. Training/workshops will be provided to legal professionals in order to enhance their law drafting capacity and also maximize the use of the law making manual (EU TAP 1.4). The Ministry of Natural Resources and Management will serve as pilot Ministry for drafting or amendment of legislation related to incorporation of international law obligations relating to climate change and environmental protection, using the law-drafting manual.

1.5 Consultation forum piloted for civil society organizations and other relevant entities to provide comments on draft legislation

Despite the introduction of the Law on Law-making in 2012, the law-making process (whether that’s law drafting or amending) remains somewhat unsystematic, as the actual drafting and amending is currently done by a very small group of legal specialists mainly at the Ministry of Justice (a majority of National Assembly members serve in a part-time basis and do not have the technical capacity required for law drafting or amending). As such, there is currently no official way of CSOs and/or other stakeholders to actively take part in the law-making process, although Article 6 of the Law on Law-making “encourages individuals, legal entities and organizations, both public and private, to widely and deeply provide comments on draft legislation to ensure that draft legislation has a comprehensive content.” Article 8 also guarantees at least 60 days for comments by the public and private sectors once draft legislation becomes available to them.

This is the core issue that this Sub-output strives to address by piloting a consultation platform (assisted by the International Law Project team, LSMP Secretariat and Pillar 1) for local CSOs and other stakeholders to provide their inputs/comments on draft legislation (particularly the one related to human rights). It should be noted, however, that it may be beyond the scope of this Sub-output to develop a national platform for the public and private entities including CSOs to systematically take part in the law-making process. Instead, this Sub-output will address this issue by creating consultation opportunities to discuss draft laws, especially the ones heavily related to human rights. In this regard, the Ministries of Foreign Affairs and Justice are expected to work very closely, as the Ministry of Justice plays a central role in the law drafting/amending and the Ministry of Foreign Affairs has taken human rights-related initiatives the past decade through the International Law Project.
OUTPUT 2: INSTITUTIONAL CAPACITY, STRUCTURE, AND ARRANGEMENTS FURTHER IMPROVED AT LEGAL AND JUDICIAL INSTITUTIONS FOR MORE EFFECTIVE AND RESPONSIVE JUDICIAL PROCESS

Output 2 contributes to Pillar 2 of the Master Plan: Development of a systematic, transparent, and effective group of law implementation/enforcement agencies. In this Output, the particular focus will be placed on capacity development of the LSMP core agencies (MOJ, MPS, OSPP, and PSC) at both national and local levels. The Office of Supreme People’s Prosecutor is expected to be the principle Implementing Partner in this Output.

2.1 Enhanced ability of legal institutions to ensure implementation of criminal court judgments and access to justice

The PSC, OSPP, and MPS face several challenges in terms of implementation of criminal court judgments, generally an ambiguous appeal system, overburdened court administration, underdeveloped investigation techniques and rules on evidence, lack of computerized database, limited sensitivity to gender equality amongst others. This sub-output provides support for improving the environment for these agencies to ensure criminal court judgements implementation.

Indicative activities can include but are not limited to:

- Conduct assessment of core mandates and competencies of legal sector agencies in relation to the criminal court judgments and implementation of some aspect of the recommendations
- Baseline study of penal system; develop recommendations for further improvement of penal system taking into consideration international law obligations
- Develop code of ethics for MPS, OSPP, and PSC, including gender considerations
- Organize training activities and workshops on efficiency and transparency of criminal court case management systems
- Establish computer databases on case management and proceedings as well as relevant statistics
- Conduct research on the establishment of investigation units at MOJ, MPS, OSPP, and PSC

2.2: Organizational and operational system of People’s Supreme Court, Office of Supreme People’s Prosecutor, and Ministry of Public Security is further strengthened for more effective law enforcement, prosecution, and judgment

The Legal Sector Master Plan expressly identifies the lack of clear division of responsibilities and functions among the different legal sector agencies as well as weak institutional organization as a key challenge facing the legal and judicial reform in Lao PDR. This Sub-output aims at assessing the core LSMP agencies to better define their respective roles and responsibilities, including possible upgrading of the legislative framework, institutional organisation and procedures, capacity development of judges, prosecutors, and MPS officials (EU TAP 1.5), training of trainers for judges (EU TAP 1.8), questions of access (physical or psychological/cultural), or technical infrastructure, as well as the development and use of databases, legal access tools and networks (EU TAP 1.9).

Furthermore, the establishment of administrative/labor courts have been identified as the Government’s priority in the next few years. As the discussion on these courts has been relatively new, this Sub-Output could provide support for raising awareness among key stakeholders and also developing a roadmap to establish such courts.

---

10 Corresponding to Expected Result No. 3 under Specific Objective 1 of the EU TAP: “Enhanced ability of legal institutions to ensure implementation of criminal court judgements and access to justice”
2.3: Pool of capable lawyers and public access to legal services further expanded (coordinated with Output 3 as appropriate)

The Lao Bar Association (LBA) was established in its present form in 1996, pursuant to Prime Ministerial Decree 64. The LBA has been developing specific training sessions since 2001 for law school graduates who hold bachelors of law and have applied to be lawyers. Nevertheless, the number of Lao lawyers remains relatively low (only 184 as of September 2013) and lawyers generally have uneven professional skills. Furthermore, the access to the profession does not require the passing of a national bar exam.

To address these issues, the Government of Lao PDR recently adopted a new Law on Lawyers in October 2011. This new law requires individuals to participate in a professional training program for lawyers in accordance with the curriculum established by the Ministry of Justice, followed by a one-year internship, and passage of a bar examination. It also clarifies the role of lawyers in the judicial process. However, the Law on Lawyers has not yet been fully implemented.

Given that the draft decree on the establishment of the National Judicial Training Institute envisions including systematic development of lawyers within its scope, it is expected that the bar examination will be part of a unified examination administered by the National Judicial Training Institute (NJTI) in close coordination with the Lao Bar Association. Similarly, at least part of the one-year internship stipulated under the Law on Lawyers should be integrated into the curriculum at the NJTI, as all trainees will most likely receive practical work experience at courts, prosecutors offices, and law firms.

Overall support to the National Judicial Training Institute for developing and administering examinations, as well as assistance in terms of strengthening administrative and managerial capacity of the Institute will be provided under Sub-output 3.2. Therefore, support under this Sub-output 2.3 should be closely coordinated with the support provided under Sub-output 3.2 and should be flexible enough to accommodate possible changes to the draft decree on the establishment of the National Judicial Training Institute.

In addition, it is important that the training programs address access-to-justice issues. While some progress has been achieved in terms of access to justice over the last years, legal aid programmes delivering legal services to poor and disadvantaged members of society remain limited. This sub-output will therefore ensure that providing legal services to the poor and disadvantaged is included as part of the training of future lawyers.

2.3.1: Initial training for young professionals who wish to become lawyers further improved at the National Judicial Training Institute

As much of the Law on Lawyers adopted in 2011 remains to be implemented, this component provides support for further improvement of the initial training program for development of new lawyers in Lao PDR. As already explained earlier, it is expected that the upcoming judicial training institute will include young professionals who wish to become lawyers. Given this background, this component will most likely work very closely with Output 3, or even within the framework of Output 3.

2.3.2: Ongoing vocational/continuous training of practicing lawyers, based on training modules developed as part of the initial training curricula of lawyers

Since Sub-output 2.3.1 will mainly focus on initial training of lawyers, there is a risk of having a generation gap between the newly trained lawyers who will have gone through such an initial training programme and bar exam and the current practicing professionals. In order to bridge such gap, it would be important to support the Lao Bar Association in the organization of vocational/continuous training sessions for practicing
lawyers, with particular focus on recent legal developments/updates and/or lawyering skills using the training modules developed as part of the initial training curricula for lawyers.

2.3.3: Access to justice is further improved at a provincial level through the establishment of a first legal aid clinic in a selected province

Under the A2J/LBA Project and other initiatives supported by development partners including UNDP and The Asia Foundation, there are legal aid and community legal education services actively provided in 3 provinces: Vientiane, Oudomxai and Champasak. And it may be extended to the province of Xayabouly in the near future. However, residents in other provinces continue to suffer from insufficient or lack of access to such services. A critical pre-condition for such services is that local residents become familiar with the profession of lawyers prior to legal consultation, as most of them are not familiar with what constitutes legal cases and when they would require legal consultation.

In this Sub-Output, it is proposed to expand the services to a province that boasts ethnic diversity, which is sometimes cited as one of the barriers for access to justice. A legal aid clinic will reach out to a wide range of clients, but the main focus shall be on ethnic groups, particularly the poor and women.

OUTPUT 3: MORE SYSTEMATIC DEVELOPMENT OF LEGAL AND JUDICIAL PROFESSIONALS ENABLED THROUGH THE ESTABLISHMENT OF A UNIFIED JUDICIAL TRAINING INSTITUTE

This Output lends support to Pillar 3 of the Master Plan: Strategic Development of Human Resources in the Legal and Judicial Sector. The most urgent task in Pillar 3 is to establish a judicial training institute that will allow more systematic development of legal and judicial professionals in Lao PDR. In this regard, a decree on the national judicial training institute has been drafted and submitted to the Government for approval in March 2013. Whether or not the decree will be officially adopted remains to be seen. However, the legal sector of Lao PDR stays committed to establishing such an institute regardless of the level of the legal basis for it (PM Decree, Minister’s Decision, etc.).

The Ministry of Justice (Training Institute) is expected to take the lead in implementing Output 3 as an Implementing Partner.

3.1: The plan to establish a Judicial Training Institute is implemented in a well-coordinated manner among all key stakeholders

Given that various DP-funded initiatives are implemented in this area such as the ones by the Government of France and JICA, this sub-output supports a coordination mechanism for establishing a Judicial Training Institute. From the budget planning to the exam and curriculum design as well as training materials development, establishment of a Judicial Training Institute requires such a wide range of work that it will be critical for all relevant stakeholders to come under a common coordination framework.

As already mentioned, there remains a sense of uncertainty as to whether the draft decree will be officially adopted by the Government, as the adoption of the decree involves various relevant ministries and agencies. Despite this challenge facing the legal sector, they seem to stay committed to establishing the Training Institute (whether the legal basis will be at the level of a PM decree or Minister’s Decision).

The Training Institute at the Ministry of Justice has been the main entity to move this agenda forward. And under the leadership of the vice minister-level officials at the Ministry of Justice, People’s Supreme Court, and Office of Supreme People’s Prosecutor, a Lao delegation has recently taken study visits to Thailand and Vietnam and observed how judicial training facilities function in these countries. In 2012, one of the thematic
workshops under the Legal and Institutional Oversight Sub-Sector Working Group discussed best practices on judicial training institutes in France, Japan, Vietnam, and Thailand.

Towards the end of 2013, UNDP and LSMP Secretariat under the LSMP Transitory Project have assisted the MOJ’s Training Institute in drafting an overall work plan for establishing the Judicial Training Institute. As of October 2013, the legal sector of Lao PDR focuses on drafting the overall curriculum for the Judicial Training Institute.

Given this background, it is envisioned under this Sub-output that UNDP and LSMP Secretariat play an important coordination role for all necessary work involved in establishing the Training Institute which aims to unify the initial training program for all young professionals who wish to become judges, prosecutors, and lawyers.

Indicative activities under this sub-output could include:

- Development and adoption of an overall work plan for establishing a national judicial training institute
- Better coordination with other key stakeholders in this area to make the planned training centre effective (facilitating meetings/discussions with key stakeholders)

3.2: Coordination and facilitation support provided to further strengthening the capacity and skills of judges, prosecutors, and law through the establishment of a National Judicial Training Institute

At the planned Judicial Training Institute, it is envisaged that all legal experts will eventually need to go through intensive training before serving as lawyers, judges and prosecutors. It is designed to pursue better harmonization among all legal and judicial professionals by receiving the initial training in the same environment and going through the unified curriculum together to understand each other’s professions.

In this Sub-output, the following 5 areas will be the main focus of area in close coordination with the Government of France: (1) strengthening administrative and managerial capacity of the National Judicial Training Institute, (2) development of unified training curriculum for judges and prosecutors, (3) enhanced capacity of trainers through extensive training in both France and Lao PDR, (4) development of teaching materials used at the Training Institute, and (5) enhanced capacity of experienced judges and prosecutors through vocational training.

UNDP and LSMP Secretariat are expected to work in close coordination with the ENM(Ecole Nationale de la Magistrature (the “ENM”, the French National School for the Judiciary)): while UNDP and LSMP Secretariat will mainly focus on the overall framework of the National Judicial Training Institute (NJTI), the ENM is expected to provide technical assistance for more substantive matters (such as the curriculum design, entry and final exams design, training materials, etc.). It will be critical that overall coordination-related work and detailed work on such substantive matters go hand in hand.

Indicative activities under this sub-output could include:

- Develop an initial training program for young professionals (curriculum, entry and final exams, new training materials, etc.)
- A detailed mapping of existing or planned training programmes and curricula
- Better coordination with other DPs in this area to make the planned training centre effective (facilitating meetings/discussions with key stakeholders)
- Support for the establishment of the Training Institute (support for drafting and finalizing the Decree on National Judicial Training Institute)
- Once established, provide support for developing the institutional and managerial capacity of the Institute
- Set up the selection criteria to accept candidates and organize a series of training sessions articulated under the training program
- Provide training for trainers (some to be trained in France and others in Lao PDR)
- Procure IT equipment and resources materials such as legal books

**OUTPUT 4: INCREASED PUBLIC UNDERSTANDING OF LEGAL RIGHTS AND INFORMATION, AND INCREASED PARTICIPATION IN THE LEGAL SYSTEM TOWARDS FULL REALIZATION OF THEIR RIGHTS**

Output 4 contributes to Pillar 4 of the Master Plan: Strategic Plan for Development of Legal Databases and Information Resources and People’s Participation in the Legal and Justice Sector.

4.1: **The state of people’s actual knowledge of laws is examined through comprehensive surveys at the inception, mid-term and final phases of the Project (in coordination with other outputs/sub-outputs)**

This sub-output envisions implementation of baseline surveys to examine the extent of people’s actual knowledge of laws as well as perception about legal institutions at different stages of the Support Project. Such surveys will help identify and develop new dissemination methodologies (such as greater use of popular or user-friendly media), materials and training programmes.

This Sub-output is a critical part of the SPLSMP, as it sets the baselines for some Outputs/Sub-outputs and also serves as indicators. It is expected that at the inception stage, an international expert sets the comprehensive methodology and procedures for the surveys so that they can be replicated at the mid-term and final phases of the SPLSMP.

4.2: **Enhanced capacity of the core agencies for more effective dissemination to citizens and civil society organizations at community level of information on new laws and rights recognized under new laws**, as well as **principles of good governance**, through the implementation of an overall LSMP Communications Strategy and Visibility Plan

The ultimate goal of the country in the legal sector is to establish a rule of law state by 2020, and the Legal Sector Master Plan serves as a roadmap to implement the comprehensive legal reform necessary to install the concept of rule of law in Lao PDR. But due to the complexity of the legal and judicial sector, the Government’s efforts on rule of law are not widely known to the public, and key stakeholders in the sector are not fully familiar with the details of the Legal Sector Master Plan.

As articulated in the Results and Resources Framework, there are a few major challenges facing the legal sector in terms of legal dissemination: no holistic approach to dissemination procedures, insufficient access to disseminated information, limited officials trained about dissemination techniques, and limited public understanding of their legal rights.

---

11 Corresponding to Expected Result No. 4 under Specific Objective 1 of the EU TAP: “Information on new laws and rights recognised under new laws are disseminated to citizens and civil society organisations at community level. Citizens are more informed about the appeal systems against decisions of the public administration and on ways to access the justice systems”

12 Together with Sub-output 6.1, corresponding to Expected Result No. 2 under Specific Objective 1 of the EU TAP: “Better understanding of the principles of good governance by the Lao legislative, judicative and executive and the citizens; increased Lao ownership over legal and administrative reforms.”

13 The Communication Strategy and Visibility Plan will highlight the respective contributions by fonors and related results. The EU Joint Visibility Guidelines for EC-UN Actions will serve as one of the guidelines for developing such strategy and plan.
Developed under the LSMP Transitory Project, the main objective of the LSMP Communication Strategy will be to achieve a better understanding of the principles of good governance by the Lao legislative, judicative and executive and the citizens, as well as increased Lao ownership over legal and administrative reforms.

The overall LSMP Communications Strategy would help develop a roadmap to identify main areas of focus for medium- to long-term dissemination work and also design communications-related products. The Strategy might include recommendations for the reconfiguration of existing dissemination mechanisms or establishment of new ones. Such a strategy should identify and address different segments and needs of society – e.g., officials within the system, citizens and civil society organizations at community level, the general public, as well as specific categories within society, such as women, vulnerable people in remote areas, rural populations, the private sector (domestic and foreign), linguistic and ethnic minorities, and others – at the national, provincial, district, and village levels.

Basic educational materials about the rule of law, Lao Legal System, and Lao Law, especially for schools, might be developed for pilot-teaching. While primary responsibility for developing the strategy will lie with the LSMP implementation mechanism, it will necessarily require close coordination, cooperation with, and guidance from the National Assembly, Party Propaganda Office, Government Office, other agencies, and civil society representatives.

Indicative activities under this sub-output include:

- Develop a more holistic dissemination approach including use of new methodologies and media, targeting citizens and civil society organizations at community level, women, vulnerable people in remote areas (EU TAP 1.6)
- Support for development of new dissemination tools and methodologies based on the action plan derived from the LSMP Communications Strategy, including specific tools, methodologies and media targeting civil society organisations at community level and vulnerable and marginalized groups in remote areas
- Support for preparation and execution of dissemination campaigns at selected “pilot districts and villages” (EU TAP 1.10) Development and wide circulation of dissemination materials (EU TAP 1.10), including “know your rights” brochure and compendium of practical legal information on new laws and rights recognized under new laws, to citizens and civil society organisations at community level, vulnerable and marginalised groups (content of the materials will include information on appeal systems against decisions of the public administration, ways to access the justice systems\textsuperscript{14}, legal measures that protect women and children and give them rights and access to legal/judicial services, etc.) (EU TAP 1.7)
- Workshops/training programmes (coordinated under sub-output 3.1) on communications and dissemination techniques for relevant officials from core agencies

4.3: Increased people’s legal empowerment and advanced implementation of the LSMP from the bottom-up through a pilot “People’s Justice Fund”

This sub-output proposes to launch a flexible fund facility designed to channel funding to local or small-scale initiatives by under-represented stakeholders, local government authorities (at district and village levels), mass social organizations, civil society organizations, and research/educational institutes. The purpose of this funding scheme is to increase people’s legal empowerment and advance the LSMP implementation from the bottom-up. This facility is expected to have a high impact through well-defined short-term and local or

\textsuperscript{14} Contributing to Expected Result No. 4 under Specific Objective 1 of the EU TAP: “Citizens are more informed about the appeal systems against decisions of the public administration and on ways to access the justice systems”
small-scale interventions that will increase the production of result-oriented work by under-represented stakeholders active in the legal sector.

The details of the People’s Justice Fund can be found in the annex of this project document, but proposals should address issues that are perceived by the Government and Development Partners as requiring immediate and strategic attention and also that cannot be readily financed from other resources which would directly increase people’s legal empowerment.

Examples of proposals can include:
- Awareness-raising campaigns on legal issues, specifically targeting communities at grass-roots level
- Support for dialogue processes on legal processes
- Support for developing and printing outreach and/or educational materials
- Capacity development initiatives for improving access to justice

Regarding the budget for this sub-output, it is anticipated under the SPLMSP that $30,000 will be allocated each year ($100,000 total), supporting 15-20 proposals annually. Further funding is to be mobilized over the project duration (3-3.5 years) in order to cover additional 30-40 proposals each year. In order to ensure the submission of quality proposals, 5% of the mobilized resources will be allocated to capacity development of CSOs and other potential applicants, for them to obtain a better understanding of the LSMP as well as application criteria and reporting responsibilities.

4.4: More effective online system developed to disseminate legal information

Each core agency has its own website and carries some legal information, but they all face a similar challenge: lack of complete legal information. Given this background, this sub-output will provide support for development of a one-stop website which will essentially include all the national legislation, sub-ordinate legislation, court decisions, and other relevant legal information. The experience in other countries such as France (website: www.legifrance.gouv.fr and http://www.service-public.fr/) will be used as a useful reference in developing this one-stop website, which will include laws, regulations, official gazettes, international treaties, court decisions, customary law, searchable database of legal terms and other legal resources (linked to EU TAP 1.9). It is envisaged that this website be used not only by legal experts and researchers but also by the general public who can get more practical information on their legal rights and laws closely related to their livelihoods (EU TAP 1.10).

The Customary Law Project also developed a database on various customary practices and their link to dispute resolutions. This database should be fully integrated into the one-stop website in order to deliver more comprehensive information on the informal justice system as well. Once developed, the website will be updated frequently and add more information, as Lao PDR will continue its efforts to adopt more laws and ratify international treaties.

4.5: Improved local justice system in selected “pilot villages and districts” under the Prime Minister’s Order 03 through enhanced mediation techniques

The Ministry of Justice is currently implementing a series of reform for justice system at local levels, as local citizens still face insufficient access to justice due to the weak capacity of local justice system. The village mediation unit’s members are composed of non-legal professionals such as the well-respected elderly in a village. Thus, these members require extensive training on how to go about resolving or mediating disputes as well as how this semi-formal justice system can be harmonized with the formal one.

Also, as already articulated in the situation analysis, 35.3% knew how to file a complaint with the VMU, and only 16.2% of VMU users knew how the conflict resolution process works. Local residents thus need to be
more familiar with the VMU system and how the whole process functions in order for them to maximize their rights.

Another important element in this Sub-output is the development of the customary law strategy. The Customary Law Project published a report on the current status of the customary practices and how that relates to the harmonization with the formal justice system. At the conclusion of the report, it gives a few suggestions as to how to move forward with the customary law, such as the clarification of the relationship between the customary and formal legal systems; a system by which customary law and practice considerations are routinely and regularly taken into account in government law and policy-making/planning; and methods by which to encourage internal community change where customary norms or practices are in conflict with international obligations or state laws promoting and protecting rights, access to justice, or legal empowerment.

This Sub-output will provide technical support for mediation techniques and capacity development of local authorities to some of “pilot districts and villages” stipulated under the Prime Minister’s Order 03, and aims to develop the capacity of village mediation units, raise awareness among villagers on the informal, semi-formal, and formal justice systems, and devise a customary law strategy to harmonize different mechanisms.

Indicative activities under this Sub-output could include:

- Conduct capacity assessment of selected “pilot villages” at the inception, mid-term, and final phases of the Project to study the kind of impact that this sub-output has on the improvement of local justice system
- Technical support provided to such villages, which will include but will not be limited to:
  a. training on mediation techniques for VMU members
  b. development of local justice-related materials
  c. training for provincial and district authorities on local justice-related subjects
- Develop customary law strategy derived from the main recommendations of the Customary Law Project Report

This particular Sub-output will be mainly implemented by the Ministry of Justice (Department of Judicial Administration System) in close coordination with the MPS, PSC, and OSPP.

**OUTPUT 5: LAO PDR’S FURTHER INTEGRATION INTO REGIONAL AND INTERNATIONAL COMMUNITIES ENABLED THROUGH ADOPTION, IMPLEMENTATION, ENFORCEMENT, MONITORING, AND REPORTING OF INTERNATIONAL LEGAL INSTRUMENTS**

In accordance with Article 12 of its Constitution, Lao PDR pursues a foreign policy based on peace, independence, friendship and mutual cooperation, the expansion of relations and cooperation with all countries based on the principles of peaceful co-existence, respect for independence, sovereignty, territorial integrity, non-interference in domestic affairs, equality and mutual benefit. Based upon this policy, the Government of Lao PDR attaches importance to international efforts to strengthen the international rule of law and to facilitate the establishment of the rule of law in the country while improving its human rights environment. To date, Lao PDR has ratified seven of the nine core human rights conventions (the Convention against Torture was recently ratified in September 2012) and has signed another (the International Convention for the Protection of All Persons from Enforced Disappearance in 2008). In addition, Lao PDR has ratified the UN Convention against Corruption in September 2009 as well as many ASEAN and other regional and bilateral instruments. Implementing and monitoring the application of the relevant obligations under these treaties in domestic law however remains a challenge for Lao PDR. This sub-output deals with support to the country to enable it to continue the process of ratifying, reporting,
and implementing the treaties in the domestic context. It is envisioned that this Output will be under the direction of MOFA.

The strategy of this Output is that it will build on the success that the ILP enjoyed over the last ten years and strive to provide more systematic support in this new era where it will see a shift away from a project-based approach to a programme-based one. During Phase III (2009-2013), the ILP mainly worked on capacity development of relevant stakeholders (such as MOFA officials, line ministries, Human Rights Center, and law schools), which has already started yielding encouraging results: these stakeholders started serving as resource persons for certain activities. Under the SPLSMP, Output 5 will take this to the next level with sustainability of activities being one of the primary concerns. The ILP Team has already served as resources persons for a wide range of activities in the past, and now they need to expand it to forming an “International Law Pool of Talent” in Lao PDR so that awareness of international law-related matters can trickl down to local levels.

This effort will certainly contribute to other Outputs under this Support Project, especially Output 3 where relevant officials will primarily focus on establishing a national judicial training institute. This institute will be essentially mandated to develop and centralize systematic training programs and curricula, as each ministry and agency currently organizes training at its own training. Once the training institute is officially established, the capacity development aspect of Output 5 could be integrated into the institute’s program as well.

5.1 Linked to SPLSMP Output 1 (LSMP Pillar 1), Lao PDR’s legislative framework is further developed through signing/ratification of, and compliance with more international treaties as well as harmonization of these obligations with relevant domestic laws

5.1.1 Gaps identified between national legislation and international legal instruments and standards accepted by Lao PDR on human rights and rights of vulnerable and marginalized groups

There remain significant gaps between national legislation and international legal obligations that Lao PDR has accepted. In order to harmonize domestic laws with international standards, a gap analysis needs to be conducted. The findings from the gap analysis should inform the regulatory impact assessment that will be part of the legislative package to inform the adoption or amendment of laws (linked to SPLSMP Output 1) as per the 5-year law-making plan. In this sub-output, the primary focus will be on the areas of environment, land and natural resources (to be linked with the training module to be developed on international environmental law standards), gender, and human rights.

5.1.2 More international treaties and conventions are considered for signing and ratification

In the current and past phases, the International Law Project has provided substantial support to Lao PDR in ratifying international treaties and conventions by clarifying what each treaty or convention in discussion will essentially signify for Lao PDR. The country has now ratified seven out of nine core human rights treaties (it has ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in September 2012). This sub-output will continue providing support for the tradition of Lao PDR ratifying treaties/conventions at the UN Treaty Day event (EU TAP 1.11).

This sub-output will ensure that at the stage of ratification of international treaties and conventions, in-depth analysis of the consequences in terms of domestication of international obligations are understood by all stakeholders, particularly policy and law-makers (linked to SPLSMP Output 1 – LSMP Pillar 1).

15 Corresponding to Expected Result No. 5 under Specific Objective 1 of the EU TAP: “The GoL’s agenda on ratification of the International Conventions is continued.”
5.1.3 Capacity of MOFA and line ministries/agencies on reporting required under international treaties and conventions is further enhanced

As Lao PDR has accelerated its pace to sign and ratify international treaties/conventions, so has the amount of reports required under such agreements. During the Project duration, Lao PDR is due to submit reports on CEDAW, ICPD, UPR, UNCAC, ICCPR, and others. This sub-output provides technical support for reporting requirements and develops the capacity of MOFA and other relevant ministries to be able to submit the reports in a timely manner.

5.2 Linked to Output 3 (LSMP Pillar 3), training methodology on international law/human rights is further strengthened and became more sustainable through the development of specific training programmes, curricula, and other legal training materials on international law and human rights-related matters

In order to further institutionalize capacity development interventions undertaken as part of ILP Phases II and III, this sub-output will aim at developing more consistent and coherent methodologies and training programmes, curricula and other legal training materials on key international law and human-rights related issues (some proposed training modules are described below). In order to ensure sustainability of the interventions, it is anticipated that such training modules will become part of the curricula of the learning/training institutes or entity such as the new National Assembly Training and Learning Center and the new National Judicial Training Institute. Training of trainers from these learning institutes or centers will be organized.

This sub-output will also focus on developing the capacity of an “International Law Pool of Talents” (from various entities such as line Ministries and agencies, provincial and district authorities, police forces, judges and prosecutors, university professors, parliamentarians, NPAs etc.) which will continue in the longer term capacity development initiatives on international law and human rights-related matters targeting various audiences, both at the national and local levels.

In addition, International Human Rights Day on 10 December will be used every year as an alumni event for all those who have been trained in and worked on international law and human rights-related issues.

5.3. Linked to Output 4 (LSMP Pillar 4), NPAs’ participation into the international law and human rights-related decision-making process increased

MOFA which is in charge of implementation of this sub-output should contribute to the work of LSMP Pillar 4 to ensure that information relating to international law/rule of law-related subjects are incorporated as part of the dissemination campaigns and in the content of the “know your rights” brochure to be developed under SPLSMP Output 4.

The second main focus of this sub-output will be to ensure enhanced capacity and improved advocacy skills of NPAs on rule of law-related subjects such as human rights. To be sustainable, the SPLSMP, particularly components relating to human rights, must be founded on ownership by and awareness in the general community with a particular focus on organisations that deal directly with local community groups. Since the Decree on Association was adopted in 2009, Non-Profit Associations (NPAs) have been increasingly registered by the Government (19 of them at the national level as of June 2012). As the presence of officially registered NPAs is relatively new to the country, the advocacy for effective community awareness work of
NPAs and more generally national civil society needs to be further developed in order to be able to contribute to international law and human-rights-related issues.

In this sub-output, national civil society will be supported to enhance its understanding of and advocacy/dissemination skills relating to international law norms and apply that to their professional practices. National civil society is also expected to increase its presence in and contribute to the Governance Sector Working Group mechanism, especially the Legal and Institutional Oversight Sub-Sector Working Group.

5.4. The National Action Plan on UPR Recommendations accepted by Lao PDR is formulated for an approval of the GoL for the next review cycle

Lao PDR has adopted 71 out of 107 recommendations given by other member states in September 2010 and has set up a National Steering Committee accordingly upon preparation of a national report required under the UPR. The International Law Project Phase III supported some aspect of the UPR recommendations implementation, but there is an increasing need to establish a national action plan to follow up on the recommendations in a more systematic manner. As of March 2013, the ILP has assisted the Government (involving all relevant stakeholders including some CSOs) in drafting a national action plan, which will be submitted to the National Steering Committee on Human Rights for their guidance.

This Sub-output will provide further technical support for formulating a national action plan to implement the UPR recommendations (EU TAP 1.12) and implementing some recommendations. Upon formulation and adoption of the national action plan, further assistance will also be provided for implementing some of the priority recommendations based on the action plan (Sub-output 5.5 in Results Framework). Lao PDR is expected to implement accepted recommendations and submit its UPR national report by October 27, 2014 before the next review cycle begins. The next review for Lao PDR has been tentatively scheduled in January or February 2015.

5.5. Selected UPR recommendations that Lao PDR accepted are implemented to further improve the human rights situation in the country

Upon development of the national action plan on UPR recommendations under Sub-output 5.4, this unfunded Sub-output will provide further support for the implementation of priority recommendations of the national action plan in preparation for the submission of the UPR national report in October 2014 when the next review cycle begins (Lao PDR is due for another UPR in January or February 2015).

**Note:** Although this Sub-output remains unfunded as of September 2013, implementing activities under other Outputs/Sub-outputs will naturally lead to following up with some of these accepted UPR recommendations. The following description will be implemented once further resources are mobilized.

As noted earlier, Lao PDR accepted or supported 68 Recommendations in full and 3 Recommendations in part in the UPR. Relevantly, 37 of the 71 Recommendations concern:
- The protection of ethnic populations
- Gender equity and the protection of women and children; and
- Human trafficking

This sub-output focuses on these related areas as priority recommendations not only because they constitute more than 50% of the Recommendations, but also because they are discrete and clearly identifiable areas central to the rule of law and human rights in the country. They are also areas where

---

16 Corresponding to the Expected Result NO. 6 under Specific Objective 1 of the EU TAP: “The National Action Plan on UPR Recommendations accepted by the Lao PDR is formulated for an approval of the GoL”
support to the Lao government is likely to yield clear and positive results for the UPR process. More importantly, most of the recommendations are similar to what have been made by UN treaty bodies (CEDAW and CRC, CERD) in their concluding observations to the Lao PDR. In some cases, the recommendations also coincide with the MDGs. The Lao PDR’s ability to implement the relevant recommendations will therefore meet several needs.

**Protection of ethnic populations**

The question of protection of ethnic populations is crucial in Lao PDR. The country is home to 49 ethnic groups classified as ‘small ethnic populations’ or ‘large ethnic populations’. Lao PDR does not accept classification of ethnic groups as ‘minorities’ or ‘indigenous’. Most outside observers tend to single out the Hmong as a group that is in most need of protection. On the other hand, Lao PDR has consistently asserted that all ethnic groups and particularly small ethnic populations in the mountains need assistance. It was on this basis that the Lao Government accepted the relevant Recommendations in the UPR. Assistance to Lao PDR to implement the Recommendations will thus enhance the human rights situation of all ‘small ethnic groups’ in general, and of course the Hmong in the process as well.

**Gender equity and protection of women and children**

As a predominantly rural society, Lao PDR faces significant challenges in promoting gender equity in general and the protection of women and children in particular. In its CERD report to the Human Rights Council, Lao PDR detailed some of challenges faced by the country. This sub-output will assist Lao PDR to implement specific programs to meet its obligations in the UPR and in human rights generally. This sub-output will complement sub-output 1.7.

**Human trafficking**

In its CERD Report, Lao PDR noted that most ‘rural people in the country live in extremely difficult conditions’. Given its close proximity to relatively developed countries such as China, Vietnam and Thailand, younger women are particularly vulnerable to human trafficking across the borders. Lao PDR is currently listed as a Tier 2 country in the United States TIP Report which notes that ‘Laos is a source, and to a much lesser extent, a transit and destination country for women and girls subjected to sex trafficking, and men, women, and children in conditions of forced labor in factory work, domestic labor, agriculture, and the fishing industry’. More significantly, the report also noted that the ‘Government of Lao PDR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so’. This sub-output will provide support to the Lao Government to enhance its capacity to fully comply with minimum standards. The United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP) currently coordinates anti human trafficking activities in Lao PDR in close collaboration with Lao government agencies and provincial authorities. The UNODC also runs programs that focus on the criminal aspects of human trafficking. To avoid overlaps, it is intended in this output for MOFA as a lead agency to work in close collaboration with UNIAP and UNODC. In specific terms it is intended for MOFA to focus more on the consistency of Lao PDR’s efforts with international obligations towards women and on labour standards for migrant workers in its relationship with neighbouring countries.

As Lao PDR will most likely receive a new set of recommendations after the review in early 2015, this Output will provide continuous support for revision of the national action plan as well as implementation of such recommendations during the project duration (until the end of 2016).

**OUTPUT 6: ENHANCED CAPACITY OF THE SECRETARIAT FOR MORE EFFECTIVE COORDINATION IN THE LEGAL SECTOR AND IMPLEMENTATION OF THE LSMP**

This Output is not derived from the Master Plan itself, but it is critical that the capacity and function of the Secretariat be further strengthened for effective implementation of the Master Plan and to provide
assistance to the functioning of LSMP implementing machinery (EU TAP 1.2). Given the scale of implementation that is required under the Master Plan as well as the large number of stakeholders involved in the legal and judicial sector, the Secretariat needs to play an important role in coordinating, managing, and occasionally implementing the Master Plan. This Output provides technical support to solidifying the function of the Secretariat as well as devising a long-term action plan for holistic implementation of the Master Plan.

6.1 The effective management and implementation mechanism for the LSMP is enabled through the development and implementation of an overall LSMP Implementation and Management Strategy (including better understanding of principles of good governance by the Lao legislative, judicative and executive)\(^{17}\)

Ever since the Legal Sector Master Plan was officially adopted in September 2009, the Government of Lao PDR has established a management/implementation mechanism for the Master Plan. But due to the lack of human and financial resources, the mechanism has remained relatively weak; few operating procedures have been established; focal points have been appointed and assigned to each pillar, but pillar coordination has been minimal; and no comprehensive action plan for the LSMP has been developed. Also, as one of the 4 pillars in the governance sector, the rule of law pillar is expected to contribute to the National Leading Committee on Governance when it holds an annual meeting chaired by the Deputy Prime Minister.

Under this Sub-output, the Secretariat will also compile all the financial information from the core agencies including the Ministry of Foreign Affairs and include their estimated budget into the annual work plan and information matrix, as each ministry and agency has continuously contributed to the implementation of the Legal Sector Master Plan. It will be critical to demonstrate an increasing sense of ownership by the Government.

In terms of coordination, the LSMP Secretariat will play a central role in bringing together all relevant stakeholders including development partners and civil society organizations into the same overall framework. Especially with the Government of France who kindly committed financial support to this particular Output, the Secretariat will provide coordination/facilitation support for development of work plans for the French Project, as the details of such partnership with the Government of France will be articulated later under the section of the Project Management and Coordination Arrangements.

Also, in order to fully implement the SPLSMP, the LSMP Secretariat needs to formulate a resource mobilization strategy to fill the funding gap. Although it will be coordinated through the Secretariat, it is the responsibility that needs to be shared among all relevant stakeholders involved in the SPLSMP.

Indicative activities under this sub-output will include:

- Assistance in drafting an interim plan for the implementation of framework LSMP (EU TAP 1.1)
- Development of a resource mobilization strategy
- Finalizing the implementation mechanism, including the establishment of the Project Board, expansion of the Secretariat, closer pillar coordination, etc.
- Organizing training for relevant officials on management and implementation mechanism
- Preparing reports and presentations for the NLCG-related meetings
- Preparing work plans and other implementation-related documents
- Facilitating better coordination across 4 pillars, involving line ministries/agencies and relevant DPs
- Organizing inter-agency or inter-pillar activities

---

\(^{17}\) Together with Sub-output 4.2, corresponding to Expected Result No. 2 under Specific Objective 1 of the EU TAP: “Better understanding of the principles of good governance by the Lao legislative, judicative and executive and the citizens; increased Lao ownership over legal and administrative reforms.”
- Organizing awareness-raising events organized on good governance principles for key relevant officials from the executive, legislative and judiciary
- Conducting a mid-term evaluation and/or final evaluation

6.2 Technical expertise is provided to support the implementation of SPLSMP outputs

This Sub-output provides coordination support to the LSMP Secretariat as well as technical support applicable to a wide range of areas (such as baseline studies for customary law, communications support, human resources development, etc.) to cover the costs related to study tours, field missions, technical expertise costs, etc. While the modalities of such support are to be defined, the Secretariat should identify the areas where they would like to seek technical inputs.

Technical advisory support for the overall programme will be provided by UNDP.

6.3 The role and function of the LSMP Secretariat is further strengthened and clarified in relation to the Governance Sector Working Group mechanism, especially the Legal and Institutional Oversight Sub-Sector Working Group

The GPAR Secretariat has shown strong leadership in facilitating the Governance Sector Working Group as well as the Public Service Improvement Sub-Sector Working Group, but the LSMP Secretariat’s role has been relatively unclear in this mechanism. Also, although the GSWG serves as a platform for information sharing as well as donor coordination, the legal sector has not maximized the use of the LIO SSWG meetings for resource mobilization. In this regard, the LSMP Secretariat will play a central role in conducting a mapping exercise for the entire legal sector and developing an overall information matrix in order to achieve the synergy among development partners.

This sub-output provides support to further clarifying and defining the role and function of the LSMP Secretariat in the GSWG mechanism and increasing coordination with the GPAR Secretariat to jointly contribute to the governance sector as a whole.

Indicative activities under this sub-output could include:

- Revision of the TOR for the LIO SSWG
- Organizing thematic workshops under the GSWG/LIO SSWG
- Facilitating discussions/meetings between GPAR and LSMP Secretariats
- Conducting a mapping exercise and developing a comprehensive information matrix
- Organizing meetings under the LIO SSWG as donor coordination/resource mobilization platforms (possibly to be merged with thematic workshops under the GSWG/LIO SSWG)

C. EXPECTED END OF PROJECT SITUATION:

By the end of the Project, the implementing mechanism of the LSMP - including the NLCG and Secretariat, as well as the Pillar committees and working groups - should be fully functional. The Secretariat should be able to carry out both its planning and supervision roles and should be engaged in a regular dialogue with the law-related agencies, civil society, private sector representatives, and the international community; while the Pillars should have the ability to coordinate and plan initiatives in their respective areas in support of more effective implementation of the LSMP.
The various activities of the Project should have resulted in:

i. A framework to manage change and development in the legal sector in a coordinated manner amongst all stakeholders is installed.

ii. Legislative development processes that ensure greater consistency and increased people’s participation, as well as incorporate more systematically applicable international standards.

iii. Improved procedures for ensuring, and assessing, law implementation, as well as its transparency and consistent application.

iv. Legal education and training programmes that are institutionalized and more comprehensively planned and coordinated, improved, implemented, and assessed.

v. Information on new laws and rights recognized under new laws are disseminated to citizens and civil society organizations at community level. Citizens are more informed about the appeal systems against decisions of the public administration and on ways to access the justice systems.

vi. Protection of human rights in the administration of justice is enhanced for citizens - but, in particular, for previously socially or economically disadvantaged or vulnerable groups or individuals, - in accordance with the Lao PDR’s Constitution and international obligations.

vii. Gender considerations - including protection and advancement of women - are incorporated systemically into legal and judicial sector processes.

viii. Enhanced capacity of the Legal Sector Master Plan Secretariat and Pillars to plan, coordinate, and implement LSMP-related activities on an on-going basis.

There should also be increased familiarity with, and understanding of, the underlying and guiding principles of the LSMP and the rule of law throughout the population.

**D. BENEFICIARIES:**

The Project will work directly with the high-level National Leading Committee on Governance (NLCG), which has replaced the LSMP National Steering Committee (NSC), Project Board, which is to be established shortly, the Secretariat, Pillars, and working groups. It will involve the key law-related agencies: including the MoJ, PSC, OSPP, and MPS, as well as the National Assembly (NA) and MoFA. While the immediate beneficiaries of the Project will be personnel in these agencies, the initiatives begun in support of LSMP implementation shall draw in personnel from a large number of other agencies, to varying degrees, and actively court the participation of a broader cross-section of civil society and the public, particularly those previously excluded or disadvantaged in terms of access. In time, although it may be beyond the scope of this Project alone, such efforts are expected to benefit all citizens as well as the private sector, including legal professionals by assuring greater access to, empowerment under, and effective equality before and by means of the law.

**PART IV: STRATEGY**

**A. KEY PRINCIPLES GUIDING PROJECT DESIGN AND IMPLEMENTATION:**

a) Respecting the commitments mutually agreed in the Vientiane Declaration on Aid Effectiveness

The *Vientiane Declaration on Aid Effectiveness* \(^\text{18}\) calls for development partners to “align with the Government’s strategies and use strengthened Government regulations and procedures”. Implementation

---

\(^\text{18}\) The Declaration was signed by the Government of Lao PDR and representatives of twenty-three partner countries and organizations at the Ninth Round Table Meeting, in Vientiane, on 29 November 2006.
of the LSMP is directly linked to a national development strategy or plan; i.e., the LSMP itself. LSMP will be implemented by key government agencies and local administrations, as part of their regular work plans, with the support of the UN system and other international development partners. It is expected that these development partners will assist key government agencies in implementing the various components, sub-components and related outputs according to their mandates, capacities and comparative advantages. Endorsement of the LSMP reaffirmed the Lao Government’s commitment to Declaration principles - in particular, the strengthening of development capacity - and facilitates the adoption of standardised ‘regulations and procedures’; e.g., relating to financial management and procurement, as well as social assessment. National institutions will oversee; coordinate and monitor project implementation and also lead on resource mobilisation. Monitoring will essentially be done on the basis of a solid results based framework and through periodic reviews of progress, challenges and opportunities. Development partners will be able to contribute directly to that monitoring process through the mechanisms of the Governance Sector Working Group and the LSMP Project Board. The Government and the development partners will also jointly carry out annual reviews to assess progress in implementing the LSMP project commitments. To the extent possible, this Project will encourage Development partners that support the LSMP to avoid creating parallel structures that are not well integrated under the LSMP umbrella.

b) **Partnership with the Government of France**

Partnership with the Government of France under this Support Project showcases how the Vientiane Declaration is translated into practice. The Government of France, a very active development partner in the legal sector since the beginning of developing the Legal Sector Master Plan, has committed to fully integrating their Project (budgeted at 1 million EUR for 3 years) into the SPLSMP’s implementation and management mechanism. Although not all the funds will be channelled through UNDP, the role of UNDP in relation to the French Project is to provide coordination and facilitation support for implementation of their activities. A signing ceremony was successfully organized on June 25, 2013, chaired by Vice Minister Ket Kiettisack and co-chaired by Ambassador Yves Carmona and Mr. Minh Pham, UNDP Resident Representative, where the Government of France kindly contributed $547,800 (410,850EUR) to the SPLSMP.

At the beginning, the French Project may organize its own project steering committee and technical coordination committee. But it has also indicated that the project steering committee could be merged with the LSMP Project Board and the technical coordination committee with quarterly pillar coordination meetings. This could symbolize an important first step towards all the development partners active in the legal sector integrating their work under the same overall structure.

The details of this partnership with the Government of France are articulated later in the section of management and coordination arrangements.

c) **Inter-linkages with other governance programmes and initiatives**

Legal Sector reforms are unlikely to make significant progress if they are not reinforced by and directly linked to progress in the wider governance reform agenda covering public service improvement, political and constitutional aspects of the state institutions in Lao PDR. This calls for linking this SPLSMP closely to the ongoing reforms in the other pillars of the governance strategy. The Project will therefore need to address not only the key priorities identified under the pillar on “public service improvement” but will also take into consideration those government’s policies defined in the other two pillars of the governance strategy (people’s participation and sound public financial management) that have a direct relationship to the legal sector reform process (e.g. those that focus on people’s participation, transparency and access to information, and hence, on the development of more open and transparent public administration). The comprehensive nature of the Project design relates to the fact that these reforms are largely inter-dependent and complementary requiring a holistic approach to programme design. The management
arrangements for this project comprise a single Project Board responsible for reporting and coordination across the 4 Pillar Projects plus Output 5 (international law component) and Output 6 (LSMP Secretariat). While the governance process in Laos works on the basis of specific mandates of different agencies, several of the governance reforms (e.g. the One Door Service) have cross-cutting implications.

d) **Full Integration of ILP into the LSMP Support Project**

The integration of the International Law Project into the broader LSMP Support Project can be rationalized for a number of reasons. First of all, it is more efficient; a significant portion of the ILP’s work is concerned with human rights and the realization of the rule of law. Given the general legal orientation of the plan and its broad rule of law objectives, the LSMP framework provides a logical “home” for the ILP. The ILP therefore fits well under the LSMP. Moreover, its integration will allow for a more seamless coordination of the rule of law and the implementation of international legal obligations in Lao PDR.

Secondly, the LSMP framework includes the principal players in the legal sector of Lao PDR. Under such a framework, these agencies are brought together under the coordinating authority of the Secretariat and soon-to-be-established Project Board that will oversee and approve work plans of the concerned ministries/agencies and projects. Being part of the LSMP “family” would ensure that the ILP’s activities compliment the planned activities of the principal players in the legal sector mentioned above.

Because of the cross-cutting nature of the international law-related component, it can play an important role in implementing planned activities in all 4 pillars, which will lead to a multiplier effect. Based upon their extensive experience managing quite a successful project for more than 10 years, the ILP members will also make significant contribution to further strengthening the coordination capacity of the LSMP Secretariat.

In this Support Project, it is envisioned that the international law component will have its own output under Output 5, giving it a sense of autonomy and independence. Also, as articulated in the management arrangements, recruitment of an International Law Specialist (national recruitment) post fully dedicated to this Output is anticipated in order to provide comprehensive support for the implementation of planned activities. This is not to create another pillar under the LSMP implementation, but rather for the international law component to contribute to all the four pillars as a cross-cutting component. In this regard, the Ministry of Foreign Affairs (specifically, the Department of Treaty and Law) is expected to remain as the implementing partner for Output 5 as well as for the entire project.

A tentative agreement that the Ministry of Justice and the Ministry of Foreign Affairs serve as the main chairs already exemplifies a significant testament for the Government’s commitment to putting together all their relevant experiences and capacities under the same Project Board.

d) **Close coordination with the future National Assembly Strategic Support Project**

Given the broad scope of responsibilities carried out by the legislators, there is a high potential for an interface between the National Assembly and all the LSMP Pillars. However, and in order to ensure the independence of this young institution and adopt a comprehensive support to support the National Assembly to fulfil its constitutional mandate, the findings of the terminal evaluation of SELNA JP led to the conclusion recommending to have a distinct project to support the National Assembly while ensuring close coordination with the LSMP mechanism. Also given the closure of the SELNA JP in December 2012, it is important that the needs of the NA are articulated into the LSMP Support Project. The future support provided to the National Assembly starting in 2013 will focus on 3 key areas, while contributing to the implementation of the National Assembly Strategic Plan (2011-2015): (1) enable National Assembly to perform their core tasks of law making and oversight (2)enable sustained and well-coordinated
development of members and staff and (enable effective coordination of all assistance to NA and build sustainable linkages and partnerships (3) increase interaction with citizens as a democratic institution; (3).

The National Assembly, as one of the main parties responsible for the LSMP implementation, has a constitutional mandate to review all draft legislation and to monitor its implementation on behalf of the citizens of Lao PDR. This makes the need for the relationship between the LSMP and NA even more timely and important. It will therefore be of significant importance that a NA focal point fully contributes to the work of LSMP Pillar 1.

As the 7th Legislature has set itself an ambitious target of adopting and reviewing more than 90 laws over its 5 year tenure, it puts a significant pressure onto the National Assembly whose capacity to amend, adopt or reject laws is relatively weak although the Assembly has the authority under the Constitution to do so. In order for the Assembly to be better able to undertake meaningful scrutiny, it requires well-trained staffers together with well-briefed and informed legislators who understand the significance of the rule of law in the broader governance framework in Lao PDR in order to be able to perform their key oversight role.

As part of its constitutional mandate, the National Assembly is also the “representative of the rights, powers and interests of the multi-ethnic people” (Article 54 of the Constitution as amended in 2003). Part of National Assembly’s initiative to fulfil its representational role are very closely linked with the interventions under Pillar 4 on people’s legal empowerment and again it will be of significant importance that a NA focal point fully contributes to the work of LSMP Pillar 4.

e) Flexible Design

Under the framework proposed for the SPLSMP, all projects - whether part of this Project or not - are to be encouraged to utilise the common LSMP and LIOSSWG framework. At a minimum, all projects should coordinate their activities through the LSMP coordination mechanism and Pillars. At the same time, the Support Project is specifically designed to adapt or expand its own activities over time, in line with the overall Project and LSMP parameters, in response to developments in the sector and stakeholder priorities.

f) Commitment of Government

The Project is designed to support the implementation of the Government’s plan for medium to long-term strengthening of the justice system: i.e., the LSMP. Equally important, a primary aim of the SPLSMP is to augment and assist in building sustainable capacity within the Government - and, in particular, within the LSMP coordination mechanism – in order to implement successfully specific Project activities. As such, not only will the Project be based on the Government’s commitment to building the rule of law, but also its very success will build - and also be contingent upon - strong and maintained commitment of the Government and its various agencies and officers assigned to the implementation of the LSMP.

B. ALIGNMENT WITH THE UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK (UNDAF) ACTION PLAN:

The United Nations Development Assistance Framework (UNDAF) Action Plan for Lao PDR provides support and guidance for this Project.

UNDAF Outcome 2 is most relevant to the LSMP:
By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making.

As stated in the UNDAF Action Plan for Lao PDR (2012-2015), “Good and effective Governance is a precondition and cornerstone for achieving equitable and sustainable economic growth as laid out in the 7th NSEDP. Thus Good Governance is essential for the achievement of the MDGs and Millennium Declaration by 2015 to which the Government is fully committed to [sic]. There is also a strong commitment to implement international treaties and to take part in associated processes such as the Universal Periodic Review (UPR) of Human Rights instruments. It is expected that, with the support of the UN system, especially the poor and vulnerable will benefit from improved delivery of public services, the effective protection of their rights and the advancement of the Rule of Law, and greater participation in transparent decision-making by 2015.”

Implementation of the LSMP is, in fact, specifically envisaged in UNDAF Action Plan Output 2.4:

The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights.

Moreover, the LSMP seeks directly to realize the following UNDAF Action Plan aims:

- **Human Rights:** “[T]he Lao PDR’s Legal Sector Master Plan ... lays out the broad direction of legal reform to assist the country to become a state fully governed by the Rule of Law by 2020. Capacity development for the application of the criminal and civil law and the fight against corruption will be central to this approach as well as the progressive realization of human rights through domestic implementation of international human rights obligations laid out in the international treaties the country it party to as well as relevant processes such as the UPR. ... Public legal education, implementation of international juvenile and gender justice standards and providing/enhancing access to justice for the poor and marginalized are additional important elements of an overall strategy to protect and enhance people’s rights during a process of rapid economic development and increasing marginalization of vulnerable groups during this process.”

- **Participation in decision-making:** “Sound law making capacities in line with international standards and obligations will be essential ...”

Support to implementation of the LSMP will also, directly or indirectly, advance the achievement of the following UNDAF outputs:

- 2.1: The National Assembly is able to better perform its oversight, legislative and representational roles.
- 2.5: The Government is able to effectively fight corruption.
- 2.7: Government officers are better able to apply the existing criminal and civil law from arrest to prosecution.
- 2.13: The justice sector strengthened to respond to the needs of women and promote and protect women’s human rights.

The LSMP sets forth both guiding principles and specific projects that will, when implemented, have a direct impact on the realisation on UNDAF Outcome 2.

**UN Agencies’ Coordination Mechanism under UNDAF Action Plan Outcome Group 2 on Governance:**

---

19 July 2012 FINAL
According to the UNDAF Action Plan and TOR of UNDAF Outcome Groups, overall key functions of the Outcome Groups are to coordinate, monitor and report on activities and progress towards the UNDAF outputs and outcomes, as well as to pool knowledge of the UN system in support of the UNCT implementation of the UNDAF Action Plan. In addition, UNDP and UNODC as co-conveners of UNDAF Outcome Group 2 on Governance have the specific responsibility to facilitate and coordinate the work of all UN agencies under the Outcome Group.

The different outputs under the Outcome Group 2 directly contribute to the three key areas of the overall Governance Sector, i.e. (1) People’s Participation (UNDAF Outputs 2.1 and 2.8) (2) Public Service Improvement (UNDAF Outputs 2.2, 2.3, 2.9 and 2.11) and (3) Legal and Institutional Oversight (UNDAF Outputs 2.4 for the overall LSMP implementation support and other outputs for targeted support in the legal sector as follows:

- Output 2.5: anti-corruption (UNDP and UNODC) partly incorporated under Output 2.4 for UNDP’s contribution;
- Output 2.6: anti-human-trafficking (UNIAP and UNODC)
- Output 2.7: application of civil and criminal laws from arrest to prosecution (OHCHR, UNICRI, UNICEF and UNODC)
- Output 2.8: national law on drugs and crime (UNODC)
- Output 2.12: labour legislation and mechanism to settle labour disputes (ILO)
- Output 2.13: women’s rights in the justice sector (UN Women)

As a first step, Outcome Group 2 will assist the UN agencies to coordinate the monitoring and reporting in the overall governance sector and as information-sharing platform. As a second step, it may be contemplated to use the national LSMP mechanism for planning, implementing, monitoring and reporting all UN interventions relating to Legal and Institutional Oversight (and which constitutes the major part of the Outcome Group 2), which will in turn directly feed into the UNDAF reporting mechanism.

Public Information and Advocacy:

Output 4 of the Project specifically encompasses the task of dissemination, communications, and advocacy of good practices, as do a number of other activities under the other outputs. As noted, these activities will be complemented by informing different stakeholders, such as departments of legal agencies in the provinces and the public, about the guiding principles of the LSMP as well as the activities and achievements of the Project itself. This will be accomplished through newsletters, reports, websites, workshops, meetings, the print and broadcast media, and other fora/media. Information will also be shared with central agencies, DPs, and other donor-assisted projects through carefully developed coordination and dissemination strategies and mechanisms. In implementing some of these activities, it will be based on the communications strategy and visibility plans to be developed as outlined in Output 4.
## PART V: PROJECT RESULTS AND RESOURCES FRAMEWORK (2014-2016)

### EXPECTED OUTPUTS (Including Baselines, Indicators, Targets, and Means of Verification)

<table>
<thead>
<tr>
<th>Expected Outputs</th>
<th>Time-Frame</th>
<th>Responsible Parties</th>
<th>Planned Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output 1: Enhanced capacity, procedures, and standards for legislative development and implementation in Lao PDR</strong>&lt;sup&gt;21&lt;/sup&gt;</td>
<td>Y 1 Y 2 Y 3</td>
<td>MOJ (Primary: Law Department), NA, line ministries</td>
<td>Budget Description</td>
</tr>
<tr>
<td><strong>Sub-output 1.1:</strong> The way forward formulated for improving current legislative development process, based on a comprehensive baseline assessment</td>
<td>X X</td>
<td><strong>Indicative Activities:</strong></td>
<td>Amount (USD)</td>
</tr>
<tr>
<td>- Conduct a baseline assessment, including development of a guideline for techniques, procedures, and formats into legislative development process</td>
<td><strong>Baseline:</strong></td>
<td>- Based on the baseline assessment, develop recommendations for strengthening legislative development, including the guidance on techniques, procedures and formats of the legislative development process</td>
<td>31,800</td>
</tr>
<tr>
<td>- Plan a study tour on legislative development to understand best practices in other countries</td>
<td>- The Law on Law-making was officially adopted in 2012, paving the way for a more systematic law-making approach. One of the articles stipulates that both the public and private sectors are allowed up to 60 days to provide comments on draft legislation, thereby increasing the public participation into the law-making process. As of September 2013, however, much of the Law remains to be implemented.</td>
<td><strong>Indicative Activities:</strong></td>
<td></td>
</tr>
<tr>
<td>- As of September 2013, there are 101 laws officially adopted in Lao PDR, including the Constitution. But a majority of these laws were developed in an ad-hoc way, missing mutual consistency, terminology, and compatibility (hence resulting in</td>
<td>- As of September 2013, however, much of the Law remains to be implemented.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-output 1.2:</strong> Systematic and consistent law drafting process introduced through development of a law making manual</td>
<td>X X</td>
<td>MOJ (Primary: Law Department), NA (Law Department), OSPP, PSC, line ministries</td>
<td>Budget Description</td>
</tr>
<tr>
<td><strong>Indicative Activities:</strong></td>
<td><strong>Indicative Activities:</strong></td>
<td>- Facilitate consultations with relevant authorities in the National Assembly, Ministry of Justice, and other relevant ministries/agencies on the appropriate content for the law making manual</td>
<td>Amount (USD)</td>
</tr>
<tr>
<td>- Prepare a law making manual, including legislative checklists, terminology, etc. which will be developed in tandem with Law Department of MoJ, Law Committee of the National Assembly and</td>
<td>- Prepare a law making manual, including legislative checklists, terminology, etc. which will be developed in tandem with Law Department of MoJ, Law Committee of the National Assembly and</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Note that more detailed financial figures per each Sub-Output can be found in the overall work plan for the SPLSMP.</strong>&lt;sup&gt;20&lt;/sup&gt;</td>
<td><strong>Note that more detailed financial figures per each Sub-Output can be found in the overall work plan for the SPLSMP.</strong>&lt;sup&gt;20&lt;/sup&gt;</td>
<td><strong>Note that more detailed financial figures per each Sub-Output can be found in the overall work plan for the SPLSMP.</strong>&lt;sup&gt;20&lt;/sup&gt;</td>
<td><strong>Note that more detailed financial figures per each Sub-Output can be found in the overall work plan for the SPLSMP.</strong>&lt;sup&gt;20&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>20</sup> Corresponding to Expected Result No. 1 under Specific Objective 1 of the EU TAP.

<sup>21</sup> Note that more detailed financial figures per each Sub-Output can be found in the overall work plan for the SPLSMP.
frequent law amending). In fact, about 30% of them have required amendment(s) after the first promulgation.
- In 2011, the National Assembly adopted an ambitious 5-year legislative plan where 91 laws are expected to be either newly developed or amended by 2015. As of September 2013, only 11 new laws have been developed and 7 existing laws amended.
- There are only a handful of legal experts that have been involved in the law-making process (most of them at the Law Department of the Ministry of Justice).

Indicators:
(1) Number of new laws supported, making reference to the law-making manual and law dictionary (ensuring the same procedures, standards and terminology)
(2) Number of draft laws CSOs and other relevant stakeholders provide comments for

Targets:
(1) Development of 4-6 new laws technically supported, making reference to the law-making manual and law dictionary (ensuring the same procedures, standards and terminology)
(2) CSOs and other relevant stakeholders to provide comments on at least 2-3 laws

**MOVs:**
1. Check the list of laws the SPLSMP is going to provide technical support for; check the use of the law-making manual and legal dictionary whenever the SPLSMP support development of new legislation; progress reports
2. Written statements made by CSOs and other relevant stakeholders; minutes of consultation forums; progress reports

**Sub-output 1.5:** Consultation forum piloted for civil society organizations and other relevant entities to provide comments on draft legislation

**Indicative Activities**
- Organize an inception consultation workshop with all stakeholders (Ministry of Justice, Ministry of Foreign Affairs, National Assembly, CSOs, and others) to review the 5-year plan adopted by the National Assembly and determine which laws to focus on (human rights-related ones)
- Organize a series of technical training sessions for local NPAs and other stakeholders on the law-making process (introduction of the Law on Law-making) and how they can contribute their comments into selected draft legislation
- Organize consultation forums among the Government (mainly LSMP Pillar 1 head and members), National Assembly, and local CSOs to discuss and give comments on draft legislation
- Conduct periodic surveys/questionnaires to measure CSOs’ satisfaction with the pilot consultation forums
- Consider publishing CSOs’ experience with the pilot consultation forums in the law-making process

<table>
<thead>
<tr>
<th>Technical Expertise</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOJ (Primay: Law Department), MOFA, NA, line ministries and agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LSMP Secretariat Coordination Support</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>20% of UNDP Programme Assurance Specialist for 2.5 years</td>
<td>82,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Output 2: Institutional capacity, structure, and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process

**Baseline:**
- Despite the best efforts made at relevant ministries and agencies (such as the MPS, OSPP, PSC, and LBA), the judiciary continuously faces major issues. For instance, tracking and filing criminal court cases and judgments poses a challenge, as there is no commonly shared system such as the computer database at the time of formulating the SPLSMP.
- Also, mainly due to the historical background in the judiciary, main roles and functions played by relevant agencies (MOJ, MPS, OSPP, and PSC) tend to be somewhat obscure, leading to weak understanding among relevant officials on their roles and functions.
- Similarly, the Lao Bar Association suffers from a critical shortage of practicing lawyers; as of September 2013, there are only 184 lawyers licensed in the country and about 60-

### Sub-output 2.1: Enhanced ability of legal institutions to ensure implementation of criminal court judgments and access to justice

#### Indicative Activities
- Conduct assessment of core mandates and competencies of legal sector agencies in relation to the implementation of criminal court judgments, including review of regulations, procedures and practice for the handling and treatment of accused and convicted persons
- Develop an action plan/recommendations for further improvement of penal system including on procedures and practice for the handling and treatment of accused and convicted persons (OHCHR technical support)
- rules on rights of the accused and victims (OHCHR technical support)
- Translate and print OHCHR law enforcement handbook
- Establish computer databases on case managements and court processes and proceedings at the Supreme Court and OSPP
- Organize training activities and workshops on efficiency and transparency of criminal court case management systems
- Conduct research on the establishment of investigation units at MPS and OSPP

### Sub-output 2.2: The organizational and operational system of MPS, OSPP and PSC is further strengthened for more effective law enforcement, prosecution, and judgment

#### Indicative Activities
- Conduct capacity assessment of the core functions of the legal sector agencies; set the baseline for relevant officials’ understanding on the roles and functions of the legal sector agencies

<table>
<thead>
<tr>
<th>X</th>
<th>X</th>
<th>OSPP (Primary), MPS, PSC</th>
</tr>
</thead>
</table>

*Int. & national consultants
Meetings & workshops
Consultation
Materials
Equipment
Printing
Translation
Travel & DSA
Study tours

---

22 Corresponding to Expected Result No. 3 under Specific Objective 1 of the EU TAP: “Enhanced ability of legal institutions to ensure implementation of criminal court judgments and access to justice”

---

<table>
<thead>
<tr>
<th>X</th>
<th>X</th>
<th>OSPP (Primary), MPS, PSC</th>
</tr>
</thead>
</table>

*Materials
Equipment
Cost of public information kiosks

105,700

130,600

Total Output 1: 498,700.00
70 of them actively practicing law mostly in Vientiane. Furthermore, there are only 3 functional legal aid clinics in the country: Vientiane, Oudomxai, and Champasak, resulting in limited access to lawyers by the public in remote areas. In response to this issue, the LBA aims to develop 20-30 lawyers each year, but the well-articulated initial training program must be established as there is no systematic bar exam or internship arrangements currently available for young professionals. In other words, much of the Law on Lawyers adopted in 2011 remains to be implemented.

**Indicators:**
(1) Percentage of criminal court cases and judgments uploaded to the computer database
(2) Percentage of relevant officials in the legal sector showing proper understanding on the roles and functions of the legal sector agencies (baseline to be set under Sub-output 2.2)
(3) Number of newly licensed lawyers each year

**Targets:**
(1) 30% of criminal court cases and judgments uploaded to the computer database
(2) 70% of relevant officials in the legal sector show proper understanding on the roles and functions of the legal sector agencies
(3) Number of newly licensed lawyers each year

| Sub-output 2.3: Pool of capable lawyers and public access to legal services further expanded (coordinated with Output 3 as appropriate) | | | | Meetings & workshops
| | | | Consultation
| | | | Materials
| | | | Equipment
| | | | Printing
| | | | Translation
| | | | Travel & DSA

---

**PSC (EU TAP 1.5)**
- Establish pilot public information kiosks at courts
- Training of trainers for judges at central and local levels on training modules for judges developed by the National Judicial Training Institute and following up workshops/seminars/field visit at community level (EU TAP 1.8)

**MPS**
- Improve the capacity of MPS on court judgment enforcement
- Organize training sessions and workshops for MPS officials and police officers on rule of law-related subjects

**OSPP**
- Assist the ongoing restructuring reform at central and local levels
Examples include:
- Improve law implementation monitoring at prisons, detention, and rehabilitation centers as well as for investigative units, court decision, case proceedings
- Organize capacity development training for administrative, financial, and IT staff at OSPP

---

| | ASF and LBA (Primary), MOJ | [Technical expertise provided by ASF] | 220,359.92 |
understanding on the roles and functions of the legal sector agencies
(3) 15-20 young professionals become newly licensed lawyers each year

**MOVs:**
(1) Check the number of cases uploaded to the computer database against the total cases filed at legal sector agencies
(2) Periodic surveys and/or questionnaires to be filled out by relevant officials in the legal sector to measure their level of understanding; interview with selected officials
(3) Number of licenses issues each year

<table>
<thead>
<tr>
<th>Indicative Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.3.1:</strong> Initial training for young professionals who wish to become lawyers further improved at the National Judicial Training Institute</td>
<td></td>
</tr>
<tr>
<td>- Organize workshops for stakeholders to discuss the content of the Law on Lawyers, lawyers’ initial training program and bar exam</td>
<td></td>
</tr>
<tr>
<td>- Organize a study tour to a foreign country to gather comparative information on content of initial training curricula for lawyers and organization/administration of a bar exam</td>
<td></td>
</tr>
<tr>
<td>- Develop a roadmap to establish a bar exam and implement the Law on Lawyers</td>
<td></td>
</tr>
<tr>
<td>- Redefine the initial training program/curriculum for those who aspire to become lawyers</td>
<td></td>
</tr>
<tr>
<td>- Develop topical training modules including case studies in the following areas (Constitutional Law, Civil Law, Civil Procedure, Commercial Law and Procedure, International Law and Human Rights, Anti-Corruption)</td>
<td></td>
</tr>
<tr>
<td>- Establish a bar exam system; Pilot the whole bar exam process</td>
<td></td>
</tr>
<tr>
<td>- Develop guidelines clarifying modalities to administer and manage initial training of lawyers and the bar exam (linked to Sub-output 3.1 on NJTI)</td>
<td></td>
</tr>
<tr>
<td>- Conduct training of trainers</td>
<td></td>
</tr>
<tr>
<td>- Develop TOR for mechanism to foster coordination between LBA and foreign Bar Associations</td>
<td></td>
</tr>
<tr>
<td>- Develop and print brochure on legal and judicial professions and role of lawyers</td>
<td></td>
</tr>
<tr>
<td>- Consult relevant ministries and agencies to set up compulsory one-year internship</td>
<td></td>
</tr>
<tr>
<td>- Pilot the one-year internship (1 month in a court or prosecutor’s office; 2 months in provision of legal advice to the poor and disadvantaged at the local level/legal clinics; 9 months in a law firm and possible support to the LBA hotline)</td>
<td></td>
</tr>
<tr>
<td>- Organize national seminars on lawyers’ role in the justice system</td>
<td></td>
</tr>
</tbody>
</table>

**Materials**

- Equipment
- Cost of public information kiosks
- Meetings & workshops
- Consultation
- Materials
- Equipment
- Printing
- Translation
- Travel & DSA
### 2.3.2: Ongoing vocational (continuous) training of practicing lawyers, based on training modules developed as part of the initial training curricula of lawyers

**Indicative Activities:**
- Organize workshops for stakeholders to discuss modalities for vocational/continuous training with practicing lawyers
- Based on initial training modules, develop/tailor vocational/continuous training modules/refreshers for practicing lawyers
- Conduct training of trainers specifically for practicing lawyers
- Organize training sessions for practicing lawyers
- Support to South-South cooperation with bar associations in the region as well as international cooperation with other bar associations
- Assist LBA in establishing an international cooperation department
- Establish more regular professional exchanges with legal practitioners (internships, participation to conferences, international legal forums, etc.)

| X | X | LBA (primary), MOJ, other line ministries and agencies | Materials | Equipment | Cost of public information kiosks | Meetings & workshops | Consultation | Materials | Equipment | Printing | Translation | Travel & DSA | 93,457.94 |
|---|---|---------------------------------------------------|----------|----------|---------------------------------|---------------------|-------------|----------|----------|----------|-----------|-------------|------------|---------|

### 2.3.3: Access to justice is further improved at a provincial level through the establishment of a first legal aid clinic in a selected province

**Indicative Activities:**
- Discuss with all key stakeholders on the possibility of creating a working group/committee for consistent and sustainable provision of legal aid through state budget
- Discuss with all key stakeholders to select a province to focus on
Conduct background research on the most vulnerable groups and develop an outreach strategy on how to reach out to them.
- Identify and establish a legal aid office.
- Develop information materials on the role and profession of lawyers (under Sub-Output 2.3.2.1).
- Organize a series of awareness-raising campaigns to inform local residents about how they can rely on legal aid services.
- Organize training programs for lawyers and law school students to increase the quality of legal consultancy services.
- Provide legal aid and education services at the clinic.
- Select areas including ethnic groups and the vulnerable groups and conduct mobile legal aid clinic.
- Advertise the legal aid and education services through community radio stations established under another UNDP-supported project.
- Develop radio programs and broadcast fundamental legal rights in different languages.
- Organize training sessions for law school students who can support the clinic.
- Purchase or translate relevant literature and materials.
- Develop a monthly/quarterly bulletin of the clinic with students’ articles reflecting their experience.

Technical Expertise

<table>
<thead>
<tr>
<th>Meetings &amp; workshops</th>
<th>Consultation</th>
<th>Materials</th>
<th>Equipment</th>
<th>Printing</th>
<th>Translation</th>
<th>Travel &amp; DSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

20% of TS costs for 2.5 years: 100,000

LSMP Secretariat Coordination Support

<table>
<thead>
<tr>
<th>Meetings &amp; workshops</th>
<th>Consultation</th>
<th>Materials</th>
<th>Equipment</th>
<th>Printing</th>
<th>Translation</th>
<th>Travel &amp; DSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

20% of UNDP Programme Assurance Specialist for 2.5 years: 82,000

**Output 3:**

**More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute**

**Sub-output 3.1:** The plan to establish a Judicial Training Institute is implemented in a well-coordinated manner among all key stakeholders.

Indicative Activities

<table>
<thead>
<tr>
<th>Meetings &amp; training workshops</th>
<th>Consultation</th>
<th>Materials</th>
<th>Equipment</th>
<th>Printing</th>
<th>Translation</th>
<th>Travel &amp; DSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MOJ (Primary: Training Institute), OSPP, PSC, line ministries

- Meetings & training workshops
- Consultation

121,500

**Total Output 2:** 825,575.80
Baseline:
- There is a shortage of judges and prosecutors in the country; there are only 300 judges and 110 prosecutors across the country (while roughly 10 legal professionals become judges every year, about 30 professionals become prosecutors annually)
- As of September 2013, young professionals who wish to become judges and prosecutors need to (1) take the national exam (for those who want to become civil servants) and (2) pass the exams prepared individually by the Supreme Court and Prosecutor’s Office. Young professionals who wish to become lawyers (1) normally graduate from law schools, (2) apply to the Lao Bar Association, (3) take part in the training offered by the LBA, and (4) take the final exam prepared by the LBA.
- In order to establish a unified training institute primarily designed for the initial training program for development of judges, prosecutors, and lawyers, the Ministry of Justice, People’s Supreme Court and Office of Supreme People’s Prosecutor reached a joint agreement on establishment of a national judicial training institute in December 2012. A decree on the national judicial training institute was drafted and finalized in early 2013. Subsequently, the Ministry of Justice

Sub-output 3.2: Coordination and facilitation support provided to further strengthening the capacity and skills of judges, prosecutors, and lawyers through the establishment of a National Judicial Training Institute

UNDP will provide coordination and facilitation support for the activities mentioned in this particular Sub-output, but will not be accountable for implementation of such activities by ENM.

Indicative Activities
- Conduct mapping exercise of all the ongoing and planned training activities and programmes in the legal sector, and circulate it to DPs and relevant ministries/agencies
- Conduct assessment to clarify the role and mandate of each training institution
- Assist in finalizing the draft overall work plan for establishing the NJTI
- Provide support for establishing the National Judicial Training Institute
- Procure IT equipment and resource materials and legal books

X X X MOJ (Primary: Training Institute), OSPP, PSC, line ministries
- Materials
- Equipment
- Printing
- Translation
- Travel & DSA

189,093
submitted the final decree to the Government’s Office in March 2013, which unfortunately has not been in the agenda for the monthly government meeting ever since due to other priorities in different sectors. The Ministry of Justice sent another request letter to the Government’s Office in August 2013 to put this draft decree into the government meeting’s agenda for official adoption. In order to consider for adoption of the draft decree, the Ministry of Education requested that more details (such as the draft curriculum, structure, budget planning, etc.) should become available for them. While striving to adopt it at the PM decree level, the three agencies appear to stay committed to establishing a judicial training institute by September/October 2014 regardless of the level of the legal basis. 

- Although quite a few development partners actively provide technical support for human resources capacity development in this sector, there hasn’t been an ideal level of coordination pursued among them in order to not only avoid any duplication but also seek more synergies relying on each other’s technical expertise.

<table>
<thead>
<tr>
<th>Indicators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Develop an initial training curriculum/program for young professionals</td>
</tr>
<tr>
<td>- Assist in developing teaching materials to be used at the Training Institute</td>
</tr>
<tr>
<td>- Provide technical assistance in designing entry and final exams</td>
</tr>
<tr>
<td>- Facilitate training for trainers: one group will be trained in France, while another in Lao PDR (linked to EU TAP 1.8)</td>
</tr>
<tr>
<td>Targets:</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>(1) Existence of a unified judicial training institute</td>
</tr>
<tr>
<td>(2) Number of joint initiatives implemented with other development partners per year</td>
</tr>
<tr>
<td>(3) Number of young professionals who complete the initial training and are qualified to become judges, prosecutors, and lawyers per year</td>
</tr>
<tr>
<td>(4) Level of satisfaction among young professionals with the initial training program</td>
</tr>
</tbody>
</table>
check the number of training completion certificates issued; graduation ceremony; progress reports
(4) Occasional surveys or questionnaires to be filled by trainees to measure their satisfaction with the training program; interview with selected trainees

| Technical Advisor seconded by the Government of France | X | X | X | 100% of TA costs for 3 years | 0 |

Output 4: Increased public understanding of legal rights and information, and increased participation in the legal system towards full realization of their rights

Baseline:
- Local citizens’ level of confidence in the information coming from the Government or the formal justice system remains relatively low; according to the A2J Survey conducted in the UNDP’s A2J Project, only 8.8% of respondents in the selected areas trusted the information coming from government representatives; likewise, only 58.2% of the respondents showed their confidence in the formal system solving their problems or disputes, whereas 72.5% expressed confidence

| Sub-output 4.1: The state of people’s actual knowledge of laws is examined through comprehensive surveys at the inception, mid-term and final phases of the Project (in coordination with other outputs/sub-outputs) | X | X | X | LSMP Secretariat (Primary), MOJ (Department of Judicial Administration System), line ministries | • Int. & national consultants • Meetings & workshops • Consultation • Materials • Equipment • Printing • Translation • Travel & DSA • Cost of survey | 68,500 |

Indicative Activities
- Consult all relevant stakeholders (especially Pillar 4 members) on the survey methodology and procedure
- Engage an international expert to conduct surveys
- Train relevant groups on conducting surveys in the field
- Conduct comprehensive surveys at the mid-term and final stages of the SPLSMP to study people’s knowledge of and confidence in laws to serve as policy consultation and background information to develop National Action Plan or other policy paper on people’s legal empowerment
- Develop an action plan based on the surveys to improve people’s knowledge of and confidence in laws

| Sub-output 4.2: Enhanced capacity of the core agencies for more effective dissemination to citizens and civil society organizations at community level of information on new laws and rights recognized | X | X | X | LSMP Secretariat (Primary), law | • Int. & nat’l consultants | 107,000 |

Total Output 3: 310,593.00
in the customary system to solve problems or disputes, thereby demonstrating the need to bridge the gap between the informal and formal justice systems. In the same Survey, among a number of other factors that may influence or inhibit a person’s ability to know his/her rights, 35% of respondents stated that their lack of capacity and knowledge (where to go, whom to address, and how to formulate a complaint properly) was the main barrier to their accessing the formal justice system.

- Thus far the traditional way of disseminating legal information heavily relies on distributing copies of relevant laws and raising awareness among local communities on the laws themselves, which may be difficult for them to fully understand.
- Each relevant ministry and agency (including the Ministry of Justice and National Assembly) has its own website that uploads some legal information, but none of them has complete legal information with all the laws, sub-laws, and international treaties/conventions adopted by Lao

under new laws23, as well as principles of good governance24, through the implementation of an overall LSMP Communications Strategy and Visibility Plan25

**Indicative Activities**
- Implement the LSMP Communications Strategy developed under the LSMP Transitory Project, identifying the main areas of focus, particularly targeting vulnerable and marginalised groups in remote areas (linked to EU TAP 1.6)
- Based on the Strategy developed, consult law dissemination departments of the core agencies and develop pilot dissemination campaigns
- Organize training/workshops (coordinated under sub-outputs 3.1 and 3.2) on communications and dissemination techniques for relevant officials
- Implement dissemination campaigns at selected “pilot villages” and other villages (linked to EU TAP 1.10) and possible town hall meetings
- Consult relevant officials on the priorities of dissemination materials
- Develop, design, print, and widely circulate dissemination materials (EU TAP 1.10), including “know your rights” brochure (translated into Lao and other ethnic languages), compendium of practical legal information, Official Gazette, court judgments, etc. (content of the materials will include information on appeal systems against decisions of the public administration, ways to access the justice systems, legal measures that protect women and children and give them rights and access to legal/judicial services, etc. – EU TAP 1.7)

---

23 Corresponding to Expected Result No. 4 under Specific Objective 1 of the EU TAP: “Information on new laws and rights recognised under new laws are disseminated to citizens and civil society organisations at community level. Citizens are more informed about the appeal systems against decisions of the public administration and on ways to access the justice systems”

24 Together with Sub-output 6.1, corresponding to Expected Result No. 2 under Specific Objective 1 of the EU TAP: “Better understanding of the principles of good governance by the Lao legislative, judicative and executive and the citizens; increased Lao ownership over legal and administrative reforms.”

25 The Communication Strategy and Visibility Plan will highlight the respective contributions by donors and related results. The EU Joint Visibility Guidelines for EC-UN Actions will serve as guidance for developing such strategy and plan.
PDR. In terms of the number of users visited such websites, the International Law Project’s website was used by 23,250 visitors in 4.5 years (January 2009 to May 2013).

**Indicators:**
(1)a Percentage of local residents showing confidence in the information coming from the Government
(1)b Percentage of local residents showing confidence in the formal justice system
(1)c Percentage of local residents citing their lack of knowledge and capacity as the main barrier to their access to the formal justice system
(2) Number of visitors checking the one-stop website (with detailed analysis of demographics)
(3) Existence of a customary law strategy

**Targets:**
(1)a 40% of local residents showing confidence in the information coming from the Government
(1)b 75% of local residents showing confidence in the formal justice system
(1)c 15% of local residents citing their lack of knowledge and capacity as the main barrier to their access to the formal justice system

### Sub-output 4.3: Increased people’s legal empowerment and advancing the LSMP implementation from the bottom-up through a pilot “People’s Justice Fund”

**Indicative Activities**
- Finalize and adopt the TOR for the People’s Justice Fund
- Establish the Approval Board
- Disseminate the information on the Fund to all relevant entities
- Organize yearly trainings to CSOs and other potential applicants to ensure better understanding of the objective of the funding facility and ensure receiving targeted and quality proposals, as well as to report back on the initiatives that have been supported by the “People’s Justice Fund”
- Launch the People’s Justice Fund
- Screen and accept applications from eligible entities
- Monitor the progress and result of accepted proposals
- Develop promotional materials for the Fund, compiling the information on the kind of support provided

<table>
<thead>
<tr>
<th>X</th>
<th>X</th>
<th>X</th>
<th>LSMP Secretariat (Primary), Approval Board created for the Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>• Meetings &amp; workshops</strong></td>
<td><strong>• Consultation</strong></td>
<td><strong>• Materials</strong></td>
<td><strong>• Equipment</strong></td>
</tr>
<tr>
<td><strong>• Printing</strong></td>
<td><strong>• Translation</strong></td>
<td><strong>• Travel &amp; DSA</strong></td>
<td>100,000 (Funded)</td>
</tr>
</tbody>
</table>

### Sub-output 4.4: More effective online system developed to disseminate legal information

**Indicative Activities**
- Study other countries’ experience in this area
- Consult relevant officials and finalize on the content and design of the website
- Establish a one-stop website for all national legislations, official gazettes, international treaties, judgments, customary law database, searchable database of legal terms and other relevant legal information, including a search engine (EU TAP 1.9 and 1.10)
- Integrate customary law database into the one-stop website
- Regularly update all the information on the website

<table>
<thead>
<tr>
<th>X</th>
<th>X</th>
<th>X</th>
<th>MOJ (Primary: Law Dissemination Department), LSMP Secretariat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>• Consultation</strong></td>
<td><strong>• Int. &amp; national consultants</strong></td>
<td><strong>• Equipment</strong></td>
<td><strong>• Meetings &amp; workshops</strong></td>
</tr>
<tr>
<td>106,600</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(2) 10,000 visitors use the one-stop website each year after it’s launched.

(3) A customary law strategy developed.

**MOVs:**
1. A2J Survey conducted by UNDP as the baseline, surveys to be conducted under Sub-output 4.1; survey results produced by consultants; progress reports.
2. Check the visitor counter on the one-stop website; inquiries to an IT officer; progress reports.
3. Publication of a customary law strategy; launching event; progress reports.

**Sub-output 4.5:** Improved local justice system in selected “pilot villages and districts” under the Prime Minister’s Order through enhanced mediation techniques.

**Indicative Activities**
- Conduct capacity assessment of selected “pilot villages” at the inception, mid-term, and final phases of the Project.
- Organize consultation with MOJ on selected pilot villages and districts to be supported.
- Provide technical support to local authorities, which will include but will not be limited to:
  a. training activities on mediation techniques for VMU members.
  b. development of mediation-related materials.
  c. training activities for provincial and district authorities on local justice-related subjects.
- Develop customary law strategy derived from the main recommendations of the Customary Law Project Report, with particular focus on linkages between formal and informal justice systems.
- Provide support for training activities and increasing female representation in VMU composition in selected pilot villages.

**Technical Expertise**

| X | X | X | MoJ (Department of Judicial Administration System), NA, OSPP, PSC, line ministries and agencies | • Int. & national consultants
• Meetings & workshops
• Consultation
• Materials
• Equipment
• Printing
• Translation
• Travel & DSA | 100,000 |

**LSMP Secretariat Coordination Support**

| X | X | X | 20% of TS costs for 2.5 years | 100,000 |

**Output 5**
Lao PDR’s further integration into regional and international communities enabled through

**Sub-output 5.1:** Linked to SPLSMP Output 1 (LSMP Pillar 1), Lao PDR’s legislative framework is further developed through signing/ratification of, and compliance with more international treaties as well as harmonization of these obligations with relevant domestic laws.

| X | X | MOFA (Primary: Department of Treaty and Law), MOJ, | • Intl and national consultants | 119,300 |
adoption, implementation, enforcement, monitoring, and reporting of international legal instruments

Baseline:
- Over the past decade, the International Law Project contributed significantly to Lao PDR’s increasing participation into the international law arena. For instance, Lao PDR is now party to 7 out of 9 core human rights treaties; the subject of human rights has been incorporated as part of the curriculum at some law schools in the country; more literature on international law has been translated into the Lao language. Despite such positive development, however, a few aspects still pose major challenges for Lao PDR: namely, harmonization of international and national laws, treaty reporting, insufficient understanding among relevant officials on international law and human rights, participation by CSOs and other relevant stakeholders into this process, and protection of fundamental human rights through the UPR process.

The pace of Lao PDR signing and ratifying international treaties has certainly accelerated in recent years, but it appears that most of these international legal obligations remain largely unincorporated into the national legislation. Employing a

<table>
<thead>
<tr>
<th>Indicative Activities</th>
<th>OSPP, MONRE, line ministries</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.1.1 (harmonization of international and national laws):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Conduct gap analysis between domestic legislation and international legal instruments and standards (OHCHR technical support);</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Organize workshops to discuss the main findings of the analysis;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Create an action plan to harmonize the domestic laws with international legal obligations and guidelines</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5.1.2 (more signing and ratification):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Organize workshops and consultations on international treaties and conventions that Lao PDR is to consider (EU TAP 1.11)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Provide technical support for negotiating, signing and/or ratifying international treaties and conventions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5.1.3 (treaty reporting):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Formulate an action plan with the timeline for all the required reports</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Organize training sessions/workshops for nominated relevant officials on treaty reporting (OHCHR technical support on ICCPR and possibly other treaties)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Coordinate information on treaty reporting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Provide technical support for treaty reporting</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Sub-output 5.2: Linked to Output 3 (LSMP Pillar 3), training methodology on international law/human rights is further strengthened and became more sustainable through the development of specific training programmes, curricula, and other legal training materials on international law and human rights-related matters**

[2 priority modules selected out of the following 7 proposed training modules]

<table>
<thead>
<tr>
<th>Indicative Activities</th>
<th>MOFA (Primary: Department of Treaty and Law), line ministries, National Assembly</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.1 (National Assembly):</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

X X X MOFA (Primary: Department of Treaty and Law), line ministries, National Assembly

- Int’l consultant
- Meetings & workshops
- Consultation
- Materials
- Equipment
- Printing

64,500 (for 2 priority training modules)
dualist approach, Lao PDR needs to translate its international obligations into the national framework for such obligations to come into effect. In this respect, extensive gap analysis between adopted international treaties and domestic laws will be required to understand to what extent ratified international treaties need to be incorporated.

- Treaty reporting continues to be an issue, as Lao PDR has a few pending and also upcoming reports such as the ICCPR CEDAW, UNCAC, and UPR that need to be submitted to relevant treaty bodies. Under the leadership of the newly established National Steering Committee on Human Rights and its Secretariat, there is a strong need for more systematic approach to treaty reporting.

- Based on the past field visits taken by the ILP team and UNDP as well as other evaluation reports, the level of understanding among relevant officials remains low. Thus, there is a need for more systematic training modules and materials, rather than ad-hoc training sessions conducted in the past.

- The Universal Periodic Review process gives any countries valuable opportunities for increased interaction between the state and civil society. Although the Government of Lao PDR partially accepted UPR Recommendation No.

- Translate the publication of the OHCHR Human Rights Handbook for Parliamentarians (as the basis for development of a training module for NA members)
- Develop training modules to enhance relevant officials’ understanding of international law norms

5.2.2 (Judicial Professionals):
- Develop a training module on international legal obligations targeting judicial professionals
- Based on the training module, conduct training for the judicial professionals

5.2.3 (Vocational Training for Relevant Officials):
- Develop systematic training programme on international law-related subjects;
- organize 2-3 extensive training each year
- Provide support for officials participating into regional/international conferences or training programs

5.2.4 (Anti-Corruption):
- Conduct gap analysis to harmonize the national legislation with UNCAC provisions
- Develop a training module on anti-corruption targeting the GIA and relevant ministries officials
- Provide support for drafting and submitting reports to UNCAC Implementation Review Group (UNDAF Outcome 2.5)
- Organize relevant training on UNCAC for officials from GIA, MPS, PSC, and OSPP (UNDAF Outcome 2.5)
- Provide technical support for drafting and amending anti-corruption legislation (UNDAF Outcome 2.5)
- Provide support for drafting the Anti-Corruption Master Plan

5.2.5 (Local Authorities):
- Develop an introductory training module on international legal obligations for provincial and district authorities
- Organize training tailored to provincial and district authorities on international law-related subjects

5.2.6 (Law Schools):
- Consult the Faculty of Law and other law schools on how they can systematically incorporate the technical assistance by the ILP team and MOFA officials into their curriculum
In close coordination with the Faculty of Law and other law schools, develop teaching materials that focus on human rights-related subjects.
- Organize a human rights summer course or a similar extensive course for students from different schools.
- Consult the law schools on selecting teachers that could teach human rights-related subjects in their schools; train them on human rights-based subjects; observe and give technical feedback on their teaching methodology.

**5.2.7 (Environment Law):**
- Conduct gap analysis to determine the extent of non-compliance with international environment and human rights standards.
- Develop an action plan based on the gap analysis.
- Develop an introductory training programme on international environment and human rights standards.
- Organize training for MOFA, MONRE, and other relevant ministries on international environment and human rights standards.
- Organize workshops for the private sector and national civil society organizations on international environment and human rights standards and responsible businesses.
- Organize seminars on international obligations of riparian states in the Mekong River Basin.

**Indicators:**
(1) Number of laws newly incorporating Lao PDR’s international legal obligations.
(2) Number of stakeholder reports that NPAs have prepared for treaty reporting.
(3) Number of international treaties considered for signing and ratifying.
(4) Percentage of UPR recommendations supported in the new review cycle.

**Indicative Activities**
- Develop an information kit on international law-related subjects for Lao citizens and civil society organizations.
- Organize at least 2-3 workshops/training annually for national civil society on international law-related subjects.
- Organize consultations among national civil society organizations before attending international events, conferences and seminars.
- Support national civil society in attending relevant international conferences and studies to enhance their experience.

**Sub-output 5.3: Linked to Output 4 (LSMP Pillar 4), NPAs’ participation into the international law and human rights-related decision-making process increased**

<table>
<thead>
<tr>
<th>X</th>
<th>X</th>
<th>MOHA/MOFA (Primary), MPS, PSC, OSPP, line ministries</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>Meetings &amp; workshops</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consultation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Materials</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Equipment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Printing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Translation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Travel &amp; DSA</td>
</tr>
</tbody>
</table>

68,200
**Targets:**
(1) At least 6-8 laws newly incorporating the country’s international legal obligations
(2) 1-2 stakeholder reports developed by NPAs for certain international treaties
(3) 1-2 international treaties/conventions considered annually for signing and/or ratified
(4) 40% of UPR recommendations supported in the next review cycle

**MOVs:**
(1) Check consistency of new laws against international legal obligations adopted by Lao PDR; count how many of them incorporated international legal obligations
(2) written stakeholder reports; submission of reports to relevant treaty bodies; interview with selected CSO representatives; progress reports
(3) UN Treaty Events; newspaper articles; statements by the Government; National Assembly’s decision; progress reports
(4) Count it against the list of UPR recommendations that Lao PDR accepts for the new review cycle

<table>
<thead>
<tr>
<th>Sub-output 5.4 (EU TAP 1.12): The National Action Plan on UPR Recommendations accepted by Lao PDR is formulated for an approval of the GoL for the next review cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicative Activities</td>
</tr>
</tbody>
</table>
| - Organize workshops to increase relevant officials’ understanding of the UPR and Lao PDR’s follow up with accepted recommendations  
- Develop a national action plan for UPR recommendations (OHCHR technical support)  
- Organize a consultation workshop with relevant stakeholders to select recommendations that will be implemented (OHCHR technical support)  
- Revise the national action plan if necessary when the new review cycle begins in early 2015  
- Support CSOs in submission of a UPR stakeholder report |
| MOVs: |
| MOFA (Primary: Department of Treaty and Law), line ministries |
| MOFA |
| X |
| MOFA (Primary: Department of Treaty and Law), line ministries |
| X |
| MOFA |
| X |

<table>
<thead>
<tr>
<th>Sub-output 5.5: Selected UPR recommendations that Lao PDR accepted are implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicative Activities</td>
</tr>
</tbody>
</table>
| - Provide technical support for implementation of selected recommendations (such as Recommendation Nos. 6, 7, 9, 26, 29, 33, and 59)  
- Develop a compendium of reports on implemented recommendations  
- Develop a roadmap to support the role of the existing National Steering Committee on Human Rights  
- Provide support for implementing the roadmap |
| MOVs: |
| MOFA (Primary: Department of Treaty and Law), line ministries and relevant organization including the MOE, MICT, Lao Women’s Union, Lao Commission on |
| X |
| MOFA (Primary: Department of Treaty and Law), line ministries and relevant organization including the MOE, MICT, Lao Women’s Union, Lao Commission on |
| X |
| MOFA (Primary: Department of Treaty and Law), line ministries and relevant organization including the MOE, MICT, Lao Women’s Union, Lao Commission on |
| X |

26 Corresponding to Expected Result No. 6 under Specific Objective 1 of the EU TAP: “The National Action Plan on UPR Recommendations accepted by the Lao PDR is formulated for an approval of the GoL”
| Output 6: Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP |
|---|---|---|
| Baseline: As per the Minister’s Decision, the LSMP Secretariat was officially established in May 2010 and is now expanded to include the International |
| Indicative Activities: |
| 6.1.1 (Management and Implementation Strategy): Provide support for increasing the Secretariat staff (both secondment and Project support) |

### Sub-output 6.1: The effective management and implementation mechanism for the LSMP is enabled through the development and implementation of an overall LSMP Implementation and Management Strategy (including better understanding of principles of good governance by the Lao legislative, judicative and executive)\(^{27}\)

| Technical Expertise – US$ 2,000 per month | X X X | International Law Specialist (Nat’l recruitment) | $72,000 |
| Technical Expertise – US$1,000 per month | X X X | International Law Officer (Nat’l recruitment) | $36,000 |
| Technical Expertise | X X X | 20% of TS costs for 2.5 years | 100,000 |
| LSMP Secretariat Coordination Support | X X X | 20% of UNDP Programme Assurance Specialist for 2.5 years | 82,000 |

**Total Output 5: 579,100.00**

---

\(^{27}\) Together with Sub-output 4.2, corresponding to Expected Result No. 2 under Specific Objective 1 of the EU TAP: “Better understanding of the principles of good governance by the Lao legislative, judicative and executive and the citizens; increased Lao ownership over legal and administrative reforms.”
Law Project team working under the supervision of the Ministry of Foreign Affairs. As of September 2013, under the overall supervision of the Vice Minister of Justice, the Secretariat consists of focal points from the MOJ, MPS, OSPP, PSC, and MOFA as well as staff supported by the LSMP Transitory Project. 

- The capacity of the Secretariat has been visibly improved since the official establishment in May 2010. To name a few examples, while development of project-related documents such as work plans, progress reports, and relevant monitoring logs heavily relied on technical support from development partners at the initial stage, the Secretariat members are now collecting necessary inputs from each core agency and are able to draft such documents. Also, they did not closely monitor the progress made in project implementation in the past, but they are now actively involved in various aspects of project implementation ensuring timely submission of activity reports, which feed into development of progress reports. 
- However, they still require significant support by development partners, as most of the LSMP Secretariat focal points cannot serve the Secretariat on a full-time basis and the scale of the project implementation is expected to

<table>
<thead>
<tr>
<th>6.1.2 (Management Structure):</th>
<th>6.1.3 (Increased Coordination):</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Finalize the implementation mechanism, including establishment of the Project Board, expansion of the Secretariat, improved pillar coordination, etc.</td>
<td>- Coordinate with 4 pillars to prepare work plans and reports</td>
</tr>
<tr>
<td>- Organize training for relevant officials on management and implementation mechanism (EU TAP 1.2)</td>
<td>- Prepare report and/or presentations for the NLCG-related meetings</td>
</tr>
<tr>
<td>- Organize monthly meetings for the Secretariat and quarterly meeting for Pillars</td>
<td>- Organize training activities and workshops for relevant officials to understand the management and implementation mechanism</td>
</tr>
<tr>
<td>- Organize Project Board Meetings</td>
<td>- Take into account gender mainstreaming into all activities planned under the Support Project, where possible</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6.1.4 (Resource Mobilization Strategy):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Develop an overall management and implementation strategy for the Support Project</td>
<td>- Develop a resource mobilization strategy for the SPLSMP</td>
</tr>
<tr>
<td>- Assistance in drafting an interim plan for the implementation of framework LSMP (EU TAP 1.1)</td>
<td>- Organize relevant activities to mobilize further resources for the SPLSMP</td>
</tr>
<tr>
<td>- Develop reporting and M&amp;E procedures and other rules</td>
<td>- Conduct mapping of all major activities in the legal sector; circulate it to all stakeholders</td>
</tr>
<tr>
<td>-</td>
<td>- Conduct relevant activities (such as study tours; organize consultation with government officials in selecting the destination) to learn other countries’ experience with the rule of law and legal programmes</td>
</tr>
<tr>
<td></td>
<td>- Organize awareness-raising events on good governance principles for key relevant officials</td>
</tr>
<tr>
<td></td>
<td>- Organize LSMP annual retreat with all stakeholders from the legal sector</td>
</tr>
</tbody>
</table>
expand much further under the SPLSMP.

**Indicators:**
(1) Number of joint initiatives among key stakeholders including development partners implemented in the legal sector (2) Number of NPAs and/or DPs contributing to LI OSSWG thematic workshops as resource persons

**Targets:**
(1) At least 2-3 joint initiatives implemented among key stakeholders including development partners (2) At least 2-3 NPAs and/or DPs contributed to LI OSSWG thematic workshops as resource persons

**MOVs:**
(1) Agenda and minutes of joint activities; progress reports (2) Agenda and minutes of LI OSSWG thematic workshops

**Indicative Activities**
- Develop relevant RM-related materials
- Conduct Mid-term Evaluation
- Conduct Final Evaluation (Endorsement by Project Board)
- Pursue new project formulation (CTA inputs)

**Sub-output 6.2:** Technical expertise is provided to support the implementation of SPLSMP outputs

**Sub-output 6.2:** 20% of UNDP Programme Assurance Specialist for 2.5 years

---

<table>
<thead>
<tr>
<th>Sub-output 6.2</th>
<th>LSMP Secretariat (Primary)</th>
<th>Int'l Travel &amp; DSA</th>
<th>Int'l consultants</th>
</tr>
</thead>
<tbody>
<tr>
<td>X X X</td>
<td>180,133</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

<table>
<thead>
<tr>
<th>Sub-output 6.2.2</th>
<th>$82,000</th>
</tr>
</thead>
</table>
**Sub-output 6.3**: The role and function of the LSMP Secretariat is further strengthened and clarified in relation to the Governance Sector Working Group mechanism, especially the Legal and Institutional Oversight Sub-Sector Working Group.

**Indicative Activities**

- Revise the TOR for the LIO SSWG
- Facilitate discussions/meetings between GPAR and LSMP Secretariats
- Organize thematic workshops/aid coordination forums under the GSWG/LIO SSWG (ensuring civil society’s participation)
- Coordinate with all development partners and other stakeholders active in the legal sector
- Conduct a mapping exercise and develop a comprehensive information matrix

<table>
<thead>
<tr>
<th>LSMP Secretariat (Primary), all relevant ministries and agencies, DPs, CSOs, etc.</th>
<th>LSMP Secretariat (Primary), all relevant ministries and agencies, DPs, CSOs</th>
<th>• Consultation • Materials • Printing • Translation • Consultation • Materials • Printing • Translation • Workshops &amp; meetings • Travel &amp; DSA • CTA inputs</th>
<th>24,150</th>
</tr>
</thead>
</table>

**Sub-output 6.4**: Capacity development and project management

**Indicative Items**:

- Communication and audiovisual equipment
- IT Equipment
- Supplies
- Services
- Printing
- Sundries
- Local travel and DSA
- Fuel
- Support to internships

<table>
<thead>
<tr>
<th>LSMP Secretariat (Primary)</th>
<th>LSMP Secretariat (Primary)</th>
<th>• Communication and audiovisual equipment • IT Equipment • Supplies • Services • Printing • Sundries • Local travel and DSA</th>
<th>82,216</th>
</tr>
</thead>
</table>

**Sub-output 6.5**: Human Resources Costs

(funded) 20% of TS costs for 2.5 years

<p>| • $100,000 | 308,800 |</p>
<table>
<thead>
<tr>
<th>Position</th>
<th>(funded)</th>
<th>Nat'l Recruitment</th>
<th>Monthly Salary</th>
<th>Total funded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Coordinator</td>
<td><strong>(funded)</strong></td>
<td>Nat'l Recruitment</td>
<td><strong>US$ 1,200</strong></td>
<td><strong>$43,200</strong></td>
</tr>
<tr>
<td>Project Assistant</td>
<td>(funded)</td>
<td>Nat'l Recruitment</td>
<td>US$ 1,000 per month</td>
<td><strong>$36,000</strong></td>
</tr>
<tr>
<td>ICT Officer</td>
<td><em>(funded)</em></td>
<td>Nat'l Recruitment</td>
<td>US$ 800 per month</td>
<td><strong>$28,800</strong></td>
</tr>
<tr>
<td>Accountant</td>
<td><em>(funded)</em></td>
<td>Nat'l Recruitment</td>
<td>US$ 800 per month</td>
<td><strong>$28,800</strong></td>
</tr>
<tr>
<td>Senior Finance officer</td>
<td><em>(funded)</em></td>
<td>Nat'l Recruitment</td>
<td>US$ 1,500 per month</td>
<td><strong>$54,000</strong></td>
</tr>
<tr>
<td>Driver</td>
<td><em>(funded)</em></td>
<td>Nat'l Recruitment</td>
<td>US$ 500 per month</td>
<td><strong>$18,000</strong></td>
</tr>
</tbody>
</table>

**Total Output 6:** 800,899.00  

**TOTAL UNDP funded:** 599,997.85  
**TOTAL EU funded:** 2,396,694  
**TOTAL France funded:** 547,800  
**Total USA funded:** 350,000  

**Estimated Total Indirect Cost:** 215,524.05  
(USA: 22,897.20, France: 35,837.38, EU: 156,789.47)  
**TOTAL SPLSMP:** 3,894,491.85

---

28 Exchange rate of 1 US$ for 0.726 € (UNORE November 2013)  
29 As per the Cost-Sharing Agreement signed with France on June 25, 2013 (French contribution of 410,850EUR is calculated at USD 1 = EUR 0.75)
The Project will work primarily with the five ‘key’ legal sector agencies - the MoJ, MoFA, PSC, OSPP, and MPS, through the LSMP national coordination mechanism; i.e., the Secretariat. The National Assembly, Lao Bar Association, academic institutes, other ministries, agencies, committees, mass social organisations, NPAs, and private sector and other civil society representatives, at the national and local level, will also participate in the Project, coordinated by the national LSMP mechanism.

Inputs Required:

The Government needs to provide strong policy support for Project implementation. This includes a reaffirmation of support for the LSMP coordination and implementation mechanism, including merging the NSC with the NLCG, establishing the Project Board, and ensuring strong professional staff at the Secretariat. Focal Points from the key participating agencies should be seconded to the Secretariat on a full-time basis and should have sufficient authority to coordinate SPLSMP activities under different Pillars within their home agencies. There should be shared ownership and strong engagement from all relevant agencies. There should be increased support for coordination meetings to discuss recommendations and issues, as well as new directions and initiatives, and, equally important, decisions and instructions to implement approved activities. Pivotal, relevant agencies should coordinate their work plans - ‘core’ activities, funded from the agency’s own resources, as well as activities proposed under the Project - through, if not actually plan in conjunction with, through the LSMP mechanism: i.e., the Pillar committees and Pillar working groups.

Relevant senior officials (including the Pillar Heads) in the national coordination mechanism must also be willing and able to hold, as well as execute the duties of National Project Director and National Project Manager for the Support Project. Relevant personnel from partner agencies must also work closely with the Project, as distinct from the LSMP and its coordination mechanism, on designing and carrying out activities. Critically, the Government and senior officials involved must be committed to allow, and actively promote, the involvement of stakeholders from outside of the centre - i.e., at provincial, district, and village-level - and, indeed, outside of the Government and judiciary itself - i.e., broader representatives of society - in Project activities and LSMP-related reforms, both in terms of participation but also design, actual implementation, and evaluation.

In concrete terms, the relevant agencies must also ensure timely and sufficient resource mobilisation. As stated, this will entail the allocation of official personnel, or their time, as well as materials. It will also necessitate the commitment of additional financial resources, including from their own budgets, to support initiatives under the Support Project, as well as linked activities in support of broader LSMP implementation. Similarly, the Government must allocate resources to ensure the sustainability of LSMP implementation, including of the LSMP coordination mechanism: i.e., the Secretariat, Pillars, and their personnel. It is expected that the Government increases its financial and human resources commitment to the implementation of the LSMP during the Project duration in order to achieve the sustainability. Government officials and support staff provided by this Support Project need to work closely together for knowledge transfer and continuity. In tandem with this, it will be necessary for Development Partners to channel their support through the LSMP coordination mechanism and to mobilise resources to support new or priority initiatives under the LSMP as they are identified or defined.

Project Implementation Arrangements:

The Project will be nationally implemented in accordance with the UNDP’s NIM guidelines.

In accordance with the principles of the Vientiane Declaration, the Project will utilise the national coordination and implementation mechanism established under the LSMP. The LSMP, in Part III, describes the management structure (including the National Steering Committee and Inter-Agency Working Committee) to oversee and co-ordinate implementation, as well as mobilise and direct resources toward that end. However, as articulated earlier in this document, the idea to establish a NSC has been integrated into a larger framework of the National Leading Committee on Governance established in February 2012, which essentially oversees the entire governance sector. And the Inter-
Agency Working Committee, a governmental body, is expected to be replaced by the LSMP Project Board which includes development partners as members.

The components of the management and implementation structure are:

**National Leading Committee on Governance (NLCG):** Highest-level committee for the governance sector, comprised of: the Deputy Prime Minister (Chair), Minister of Justice (Senior Deputy Chair), Minister of Home Affairs (Deputy Chair), Vice Minister of Planning and Investment, Vice Minister of Finance, Vice Chairperson of Central Party Personnel-Organization Committee, Vice Minister of Home Affairs, and others as required. Meeting once a year, the NLCG will provide high-level guidance on policy interventions and strategies in the governance sector, so as to reflect national priorities, and the Government’s development policies and strategies. It will also review and discuss reports submitted by projects/programmes in the sector, such as NGPAR and SPLSMP, and provide strategic guidance to their project boards.

**Proposed LSMP Project Board:** Replacing the Inter-Agency Working Committee, the decision making body of this Project could include: Vice Minister of Justice (Co-Chair), Vice Minister of Foreign Affairs (Co-Chair; subject to confirmation of nomination), senior officials from MPS, OSPP, and PSC, development partners (such as the EU, France, and UNDP), and other stakeholders such as civil society organizations. Since NA is one of the main responsible parties of the LSMP implementation particularly of Pillar 1 and in order to ensure strong linkages with the new National Assembly Strategic Support Project (2013-2016) in the process of being developed, it is recommended that a representative from the National Assembly be included in the proposed Project Board. The Project Board will meet twice a year and provide regular and direct guidance, co-ordination, and oversight for LSMP implementation activities; including, identifying funding, marshalling expertise, and appointing members of the Secretariat. The role and modalities of development partners’ participation in the Project Board is to be determined by the Board.

**Pillars:** Pursuant to the Minister of Justice’s decisions nos. 411, 412, 413, and 414 of 22 December 2010, committees and working groups were set up under each of the four LSMP Pillars and their membership was defined, including pillar heads and focal points. The Pillar committees and, in particular, the working groups are charged with coordinating and planning activities, including formulating proposals, in the legal sector falling under within the scope of their respective pillars. New working groups may be also formed under this Support Project, based on the theme of each output as well as the needs from the government side. Again, in order to ensure strong linkages with the new NASSP, Pillar membership of NA representatives as well as regular attendance of Pillar meetings have to be ensured.

**Proposed Secretariat:** A full-time body appointed by the Project Board. The proposed Secretariat could be composed of: Head of the Secretariat, Deputy Head of the Secretariat, LSMP focal points, heads of Pillars, other support staff recruited under this Support Project. It is also recommended that a NA representative, to the extent possible the National Project Director or Project Manager of the NASSP be also a full time member of the LSMP Secretariat or at least attend the monthly project meetings in order to ensure greater coordination and synergies of the two projects.

In addition to a support function to the Project Board as well as the Legal Institutional Oversight Sub-Sector Working Group, the Secretariat is to be charged with day-to-day management of SPLSMP activity implementation, including preparation of work plans, mapping of the entire sector, logistics, procurement, financial administration, and monitoring and evaluation. The Secretariat should also be responsible for co-ordinating various activities, both under SPLSMP and outside of it, and disseminating information to the various stakeholders about such activities and developments. The Secretariat meets with relevant officials from all pillars on a monthly basis, discusses the progress and challenges of each output in the Project, and also prepares for the next quarterly work plan.
Partnership with the Government of France

The Government of France reached a financing agreement with the Government of Lao PDR in early November 2012 to provide support for implementation of the Legal Sector Master Plan, especially in the area of human resources capacity development for judges, prosecutors, and lawyers. Additionally the Government of France and UNDP also signed a Cost-Sharing Agreement on June 25, 2013 where France contributed the amount of $547,800 (410,850EUR) to the SPLSMP.

This Project supported by the Government of France aims to achieve 3 objectives (“Components”):

- **Component 1**: to support the LSMP coordination through French expertise and analysis,
- **Component 2**: to strengthen the capacity and skills of judges and prosecutors through the establishment of the National Judicial Training Institute (focusing on an initial professional training system), and
- **Component 3**: to contribute to capacity development of lawyers in Lao PDR.

As mentioned under Part IV of this Project Document, the total budget of the French Project amounts to 1 million EUR for 3 years. Within this French project framework, the Government of France has kindly agreed to provide financial support to the SPLSMP in order to further pursue the spirit of the Vientiane Declaration on Aid Effectiveness. Out of the total 1 million EUR for 3 years, it is anticipated that approximately 589,150EUR will be channelled to French implementing agencies ENM and ASF, while the remaining 410,850EUR (estimated as $547,800 at the time of signing the agreement in June 2013) will be channelled to UNDP (SPLSMP) to provide coordination and facilitation support for implementation of activities by ENM and ASF.

Under Component 1, the Government of France is expected to channel $262,133 through UNDP (SPLSMP). Within Component 1 of the French Project, there are 3 Sub-components: (1) Support to the LSMP coordination mechanism, (2) French technical cooperation for activities planned under the SPLSMP, and (3) implementation of specific studies.

While Sub-Component 1.1 ($89,046) provides direct financial support to the coordination mechanism, Sub-Components 1.2 ($93,556) and 1.3 ($62,382) provide technical cooperation by France to the SPLSMP. Sub-Components 1.1., 1.2 and 1.3 will be counted as part of Output 6 within the SPLSMP, but they are expected to contribute to different Outputs as technical support is applicable to a wide range of areas (such as baseline studies for customary law, communications, and human resources development).

Component 2 of the French Project (to strengthen the capacity and skills of judges and prosecutors through the establishment of the National Judicial Training Institute) is articulated in Sub-output 3.2 of the SPLSMP. Of the total of 486,500EUR (roughly $648,666.67) that the Government of France plans to deliver in this Component, $189,093 is expected to be channelled through UNDP.

Component 3 of the French Project (to contribute to capacity development of lawyers in Lao PDR) corresponds to Sub-output 2.3 in this Support Project. While the total contribution to this Component by the Government of France is 264,600EUR (roughly $352,800), $80,173 is planned to be channelled through UNDP. As the United States will also provide support in this area, there is a need to work closely and decide on the working modality to maximize their resources.

**Key Principles**

- While UNDP is not responsible for implementation or delivery of any components of the French Project for which the funds are not channeled through UNDP, UNDP will provide coordination/facilitation support for such components that the ENM and ASF (implementing agencies of the French Project) are accountable for.
- For the funds channeled through UNDP, it is essentially the national counterparts such as the Ministry of Justice and Lao Bar Association that are responsible for implementation of all planned activities as Implementing Partners. UNDP is to play a project quality assurance role.

- In terms of work plan formulation, UNDP will incorporate the French Project into the SPLSMP’s work plan, but will **not** be responsible for planning concrete activities or budget for the components whose funds are not channeled through UNDP. The Embassy of France will develop a work plan for such components. However, since this part of formulation process will determine the nature of coordination/facilitation support that UNDP is going to provide (for which UNDP will receive the funds), UNDP is expected to closely coordinate with the Embassy of France, ENM, ASF, and relevant Government stakeholders.

- The use of the funds for Components 1.2 and 1.3 will be determined based upon close coordination between UNDP and the Government of France. Once a TOR for a specific activity is developed, the Government of France will advertise it through its own network and identify appropriate candidates. When shortlisted, together with UNDP and other relevant stakeholders, France will select a successful candidate and finalize the recruitment process.

  - In case it is deemed that there was no candidate suited for the post from France, it is agreed that UNDP could use its own recruitment process for short-term consultants, still using the French funding to cover the related costs.

- Further pursuing the spirit of the Vientiane Declaration on Aid Effectiveness as well as the programme-based approach, the SPLSMP will produce one overall report to all donors regardless of their focus area.

- It is envisaged under the French Project that UNDP will be represented in their project steering committee (chaired by the Minister of Justice and co-chaired by the Ambassador of France) which will be organized on an annual basis. But this project steering committee could be merged with the LSMP Project Board if the chairs agree.

- UNDP is expected to be part of a technical committee (whose membership is extended to the MOJ, ENM, ASF, LBA, and National Judicial Training Institute) which will meet every 6-8 weeks during the Project implementation period. This structure may also be merged with quarterly pillar coordination meetings planned under the SPLSMP.

**Partner Harmonisation & Coordination**

In line with the **Vientiane Declaration**, Development Partners (DPs) should align their own programming with national structures, such as those established by the LSMP. As mentioned above, under the UNDAF Outcome 2, UN agencies are expected to coordinate their interventions within the governance sector.

Some free-standing initiatives, such as the ILP, will be fully integrated into the proposed new Support Project framework while close coordination with other interventions such as the support provided to the National Assembly shall be closely coordinated under the LSMP Structure (Pillars 1 and 4 as well as LSMP Secretariat) while remaining a separate project (see PART IV: Strategy for the rationale of integrating such projects into this Support Project). In the case of ‘core’ activities funded from the partner-agency’s own budget allocation, or funded by external sources, the emphasis will be on ensuring basic co-ordination of activities through the LSMP coordination mechanism. For those activities for which the partner-agency seeks Project funding, there will be greater scrutiny within the Secretariat and Pillars: first, to ensure that the planned activity falls within the parameters of the respective Pillar Project and Support Project; and, secondly, to make linkages with other activities implemented by other agencies, either within or between pillars, and promote more effective, cumulative phasing of inputs and outputs.

Irrespective of whether or not they formally make use of LSMP management structure and align their own project administration with it, all stakeholders and DPs should coordinate their activities through the Secretariat and the Pillars, so as to avoid duplication or conflict, as well as to create greater synergy in
activities, outputs, and impact and, thereby, advance system-wide change. This will also help the Secretariat develop a detailed information matrix under the Governance Sector Working Group mechanism.

There are to be two main vehicles or fora for stakeholder/partner coordination and exchange:

**Project Board Meeting:** It will be conducted on an annual or bi-annual basis, and organised in conjunction with the Governance Sector Working Group (GSWG), after formulating a draft annual SPLSMP work plan as part of the normal project management and oversight process. It would focus on: progress and main developments in implementing the SPLSMP, any proposed changes in the work plans and the reasons therefore, the implementation status of the SPLSMP, and lessons learned, both accomplishments and difficulties, and the immediate and long-term needs for international assistance to develop the legal system.

As two main pillars of the Governance Sector Working Group, the LSMP Project Board and the NGPAR Programme Board will work closely with each other. In fact, in order to give it a sense of continuity and synergy, the NGPAR Programme Board has appointed a LSMP board member as a member of the NGPAR Programme Board, just as the LSMP Project Board has appointed an NGPAR board member as a member of the LSMP Project Board.

**LSMP Aid Coordination Forum:** Organised under the framework of the Legal & Institutional Oversight Sub-Sector Working Group (LIO SSWG) and LSMP Secretariat in the context of increasing aid effectiveness and donor coordination, it will bring together relevant international donors, legal advisors and experts, and officials from line ministries and agencies to discuss current challenges, future activities, and other issues relating to the entire legal/judicial sector and/or specific projects/programmes. Participation in this forum should be expanded to include a broader cross-section of stakeholders in LSMP implementation; e.g., civil society and private sector representatives, including mass social organisations, (I)NGOs/NPAs, the LBA and Law Faculty, or other relevant bodies or committees, such as the Lao NCAW. In addition to that, an aim of such a forum would be to discuss further resource mobilisation for LSMP implementation, as required. The Form may be organized as part of thematic workshops or the mid-year review that are normally planned in the LIO SSWG’s annual work plan, or as a stand-alone activity.

**Strengthened LSMP Secretariat:**

Under the guidance of the NLCG and Project Board, and in addition to its administrative role as secretariat to those bodies, the LSMP Secretariat shall be the focal point for coordination and promotion of efforts throughout the legal/judicial sector to implement the LSMP, as well as directly supporting the work of the Pillars/working groups and managing the SPLSMP.

Within the Secretariat, the Support Project will maintain and strengthen the existing structure, including the (1) Head of the Secretariat seconded by the Government, (2) Deputy Head(s) seconded by the Government, (3) LSMP focal points seconded by the Government, and (4) four Pillars (each comprised of a committee and working groups under the leadership of Pillar Heads). The Head or Deputy Head of the Secretariat could also serve as National Project Manager (NPM). The Head of the Secretariat should be a permanent position or, if rotated between the ‘core’ LSMP agencies (MoJ, PSC, OSPP, MPS), the tenure in office should be for a minimum of 1-2 years. Regardless, strong, full-time representation of the other core agencies in the Secretariat is imperative. The composition of Secretariat members listed above shall be determined and guided by the Minister’s Decision on the rules of the Secretariat.

**SPLMSP’s Support to the LSMP Secretariat**

The implementation of the LSMP requires a national LSMP secretariat as the central coordination agency. Output 6 of the LSMP Results Framework thus relevantly provides for the ‘enhanced capacity of the Secretariat
to coordinate and implement’ the LSMP. The success of the LSMP requires an effective, efficient and highly skilled Secretariat able to work as the focal body between the main. Indeed without an effective secretariat, there is a high risk that funds and resources will be wasted because the LSMP will have little, if any impact in Lao PDR. For this reason, in addition to the government’s existing LSMP Secretariat structure mentioned above, the SPLMSP is going to provide human resources support for the Secretariat.

A crucial issue for the LSMP implementation is the structure and recruitment framework. The current budget (roughly $3.89 million) is an obvious factor that underpins the design of the structure of the Secretariat. This amount is relatively small in view of the projected deliverables in the LSMP work plan. The current budget will only be able to accommodate a secretariat of a fairly minimal structure. Thus, further resource mobilization efforts will be essential for strengthening the capacity of the Secretariat.

**Composition of the Secretariat Support Staff under SPLSMP**

At a minimum, the following posts should be supported under the SPLSMP:
- 1 Technical Advisor seconded by the French Government
- 1 Chief Technical Specialist for 2.5 years
- 1 Project Coordinator (national recruitment)
- 1 International Law Specialist (national recruitment)
- 1 International Law Officer (national recruitment)
- 1 Project Assistant (national recruitment)
- 1 ICT Officer Accountant (national recruitment)
- 1 Accountant (national recruitment)
- 1 Senior Finance Officer (national recruitment)
- 1 Driver (national recruitment)

**Rationale for this minimal structure:**

As already articulated above, it is critical that the Secretariat is equipped with enough human resources, given the scale and complexity of this intervention. Without having each one of the positions described above, this Support Project may suffer from not producing any meaningful results/impact in the legal sector of Lao PDR. With that said, it is equally important to keep a good balance between the human resources cost and programming cost in order to provide comprehensive support for implementation of the Master Plan, which is why an international post (Technical Specialist) is currently secured for 2.5 years as opposed to national posts being secured for the full project duration (3 years).

In order to fully fund this international post, the Secretariat together with UNDP will pursue further resource mobilization efforts, which is one of the activities articulated under Output 6 of the SPLSMP. The concept note for unfunded parts of the SPLSMP has been developed by UNDP and circulated to potential donors in October 2012, some of whom have already responded positively. While the Secretariat and UNDP will work out all the details with such potential donors, RM efforts will be continued throughout the Project duration.

In the meantime, this international post is expected to actively contribute to capacity development of the national posts as well as the Secretariat focal points and other government stakeholders through a series of training on management and implementation mechanism, including the M&E framework (mainly provided by the Programme Assurance Specialist who will play a project assurance role at the UNDP’s Country Office). Regardless of the contract duration, international staff need to bear in mind the significance of sustainability and aid effectiveness, as the work for implementation of the Master Plan needs to continue beyond the scope and duration of this Support Project.
Another rationale for this minimum structure is that the main objective of the LSMP Transitory Project was to set up the necessary national infrastructure (establishment of such entities as the National Leading Committee on Governance, Inter-Agency Working Committee/Project Board, Secretariat, Pillars, and Working Groups) for effective management and implementation of the Master Plan. That included assistance to further develop the capacity of the Secretariat, its focal points, and pillar members over the last few years. As it was evident in 2012, the Secretariat has played an increasingly important role in the legal sector of Lao PDR. The 3-day retreat organized in Thalath in November (where a majority of key officials actively participated into discussion over work planning for 2013 and came up with a draft work plan) and organization of 2 thematic workshops under the framework of the Legal and Institutional Oversight Sub-Sector Working Group (where a wide range of development partners served as resource persons) certainly exemplifies the kind of leadership role that the Secretariat has started playing. Now the Transitory Project has served its purpose for most of the part, we are moving onto the next stage of our support to the legal sector: comprehensive support for the actual implementation of the Legal Sector Master Plan (not in its entirety but in part).

With further technical assistance from international experts, it is expected that the Secretariat will be increasingly recognized within the Government as a central figure in coordinating management and implementation of the complex Master Plan. In this regard, it will be critical that the Government kindly considers seconding more officials to the Secretariat on a full-time basis and also showing increasing commitment to the pillar mechanism. Without having enough full-time government officials seconded to the Secretariat, this structure may not be sustainable beyond the project duration.

**Additional recruitment upon mobilizing additional resources:**

What has been presented above is simply a minimal structure of the Secretariat for successful implementation of the SPLSMP. It is highly recommended that the Secretariat comes equipped with all necessary human resources that will stay on during the whole project duration. Due to the budgetary constraint, the most ideal structure for the Secretariat may not be feasible with the current budget. Thus, once additional resources are secured, the Project will carry out further recruitment as below:

- Chief Technical Specialist for the rest of the project implementation period (1 additional year)
- Additional posts that may be required to meet the needs
## RECOMMENDED MINIMUM STAFFING STRUCTURE AT SECRETARIAT SUPPORTED BY SPLSMP

<table>
<thead>
<tr>
<th>Items</th>
<th>Staffing</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International Recruitment</strong></td>
<td>Technical Advisor (Seconded by France)</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>Chief Technical Advisor (P4) (International recruitment) for 2.5 years</td>
<td>$500,000</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td></td>
<td>$500,000</td>
</tr>
<tr>
<td><strong>National Recruitment (for 3 years)</strong></td>
<td>International Law Specialist ($2,000*36 months)</td>
<td>$72,000</td>
</tr>
<tr>
<td></td>
<td>International Law Officer ($1,000*36 months)</td>
<td>$36,000</td>
</tr>
<tr>
<td></td>
<td>Project Coordinator ($1,200*36 months)</td>
<td>$43,200</td>
</tr>
<tr>
<td></td>
<td>Project Assistant ($1,000*36 months)</td>
<td>$36,000</td>
</tr>
<tr>
<td></td>
<td>ICT Officer ($800*36 months)</td>
<td>$28,800</td>
</tr>
<tr>
<td></td>
<td>Accountant ($800*36 months)</td>
<td>$28,800</td>
</tr>
<tr>
<td></td>
<td>Senior Finance officer ($1,500*36 months)</td>
<td>$54,000</td>
</tr>
<tr>
<td></td>
<td>Driver ($500*36 months)</td>
<td>$18,000</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td></td>
<td>$316,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>$816,800</td>
</tr>
<tr>
<td>% of 3.89M</td>
<td></td>
<td>20.9%</td>
</tr>
</tbody>
</table>
SPLSMP Management Structure

Project Board
Chair (National Project Director)

LSMP Secretariat (at MOJ)

Head of Secretariat (National Project Manager)
[seconded by MoJ]
Deputy Head of Secretariat [seconded by MPS]
Deputy Head of Secretariat [seconded by PSC]
Deputy Head of Secretariat [seconded by OSPP]

Deputy Head of Secretariat [seconded by MPS]
Deputy Head of Secretariat [seconded by PSC]
Deputy Head of Secretariat [seconded by OSPP]

Secretariat Support Staff Recruited Under SPLSMP

- Technical Advisor [Int’l seconded by French Government]
- Technical Specialist [Int’l recruitment]
- International Law Specialist [national recruitment]
- International Law Officer [national recruitment]
- Project Coordinator [national recruitment]
- Project Assistant [national recruitment]
- Senior Finance officer [national recruitment]
- Accountant [national recruitment]
- ICT Officer [national recruitment]
- Driver [national recruitment]

Pillar I
Legislative Development

Pillar Head (Output 1 Manager to be assigned by GoL)

Pillar II
Legal & Judicial Institutional Framework

Pillar Head (Output 2 Manager to be assigned by GoL)

Pillar III
Human Resources Capacity Development

Pillar Head (Output 3 Manager to be assigned by GoL)

Pillar IV
Public Legal Awareness & Participation

Pillar Head (Output 4 Manager to be assigned by GoL)

Cross-cutting Human Rights and International Law Component

Output 5 Manager (To be assigned by MOFA)

MOJ

Legal & Institut. Oversight Sub-SWG

MOFA

Others

OSPP

PSC

MPS

NA

81
Project Management

As project management structures are harmonised and merged with those of the existing national LSMP coordination mechanism, project implementation will be directed through the aforementioned LSMP implementation structure, including other core agencies and relevant ministries. Subject to change, each Output of the Support Project is expected to be implemented by the following entities (which are also the Pillar Heads as nominated by the Government and who will act as NPD for their respective Output):

- Output 1 by the Ministry of Justice (Department of Legislation)
- Output 2 by OSPP (Department of International Cooperation)
- Output 3 by the Ministry of Justice (Training Department)
- Output 4 by the Ministry of Justice (Department of Information and Dissemination of Law)
- Output 5 by the Ministry of Foreign Affairs (Department of Treaties and Laws)
- Output 6 by LSMP Secretariat

Initially, as stated above, the Project will provide support for externally recruited staff, in addition to the seconded government staff (see TORs for support staff recruited under the SPLSMP in Annex A). The enlarged Secretariat shall fulfil the function of the Project Support Team (PST) for Project purposes. Over time, it is expected that Project-supported staff will train relevant government officials and transfer the knowledge so that they will be eventually either replaced by government officials or transition to be funded by Government resources. Development of a transitional strategy during the project duration will be critical to ensure sustainability of this management structure. As the International Law Project has developed its own transitional strategy to be fully integrated into the LSMP framework, the strategy may be a useful reference for the SPLSMP.

The Secretariat - with the support of the PST - will mobilise all national and international inputs, through the UNDP Country Office, in a timely manner in order to support Project implementation, organise Project activities in accordance with the Project work plan, and report through the MoJ to the DIC in the Ministry of Planning and Investment, as well as UNDP and the other Project partners on the progress and financial status of the Project.

Overall Project orientations and policy focus will be overseen by the NLCG, supported by the Project Board as the NLCG’s standing committee.

Project Assurance

Delegated by the Project Board, the Project Assurance role supports the Project by carrying out objective and independent project oversight and monitoring functions. This role ensures that the project management delivers planned outputs as per the annual work plan on the basis of the quarterly and annual progress reports. In this Support Project, it is envisioned that a UNDP Programme Assurance Specialist (P-3) funded by the Project (for 2.5 years) will play the Project Assurance role and work closely with the Chief Technical Specialist (P-4) as well as Technical Specialist seconded from the Government of France, and Secretariat members.

For this particular project, UNDP places its utmost priority on increasing much needed coordination among all key stakeholders in the legal sector. And this project assurance role will be the main driving force for facilitating coordination at different levels across outputs. Under the guidance of the Assistant Resident Representative (Head of Governance Unit) at UNDP, this post is responsible for ensuring and monitoring effective implementation of the whole Project together with Technical Advisors.
While this post may be mainly based at the UNDP Lao PDR’s Country Office, he/she will be expected to spend sufficient time at the LSMP Secretariat’s Office to ensure smooth coordination with various stakeholders at all levels (the TOR for this post is provided in the Annex).

**PART VII: FUND MANAGEMENT ARRANGEMENTS**

**Funding arrangements**: UNDP will establish a ledger account under its financial regulations and rules for the receipt and administration of the funds received from the donor(s) pursuant the financial agreement, and charge regular GMS fees of 7% as per standard cost sharing agreement. Together with the Project Support Unit, UNDP will closely monitor the delivery rate for each instalment from donors.

**Cash transfer to national implementing partners**: Cash transfer modalities, the size and frequency of disbursements, and the scope and frequency of monitoring, reporting and assurance will be agreed prior to Project implementation, taking into consideration the capacity of the Ministry of Justice, the Ministry of Foreign Affairs and the Office of the Supreme People’s Prosecutor and LSMP coordination mechanism and can be adjusted in its course in accordance with applicable policies, processes, and procedures of UNDP. All cash transfers are made in accordance with the rules stated in the NIM guidelines and UNDAF Action Plan (2012-2015).

Financial transactions and financial statements shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of UNDP.

Given the complexity of the SPLSMP, cash transfer shall be made individually for each Output so that Outputs will stay independent from each each in terms of the delivery rate and quarterly advance request. Thus, the FACE form and other relevant documents are expected to be submitted to UNDP by each Output (after the LSMP Secretariat reviews the accuracy of all figures).

The relevant departments of MoJ, MoFA and OSPP will be in charge of managing the funds individually once transferred (with support from the LSMP Secretariat as appropriate). For each output that these ministries/agencies will be in charge of, the LSMP Secretariat will play a central role in overseeing the management of the funds. What’s most critical in this regard is that the Secretariat staff (especially the National Project Manager, Project Coordinator, and a Project Assistant) closely follow up with each ministry/agency, make sure that planned activities are implemented according to the AWP/QWP and assist in preparing all the required documents and reports before requesting the advancement. Monthly Secretariat meetings with participation of Pillar Heads/Output Managers, as well as Project Coordinator, will be crucial to review the implementation status of each ministry/agency and determine if any actions need to be taken in order to address financial issues.
UNDP: provides quarterly advances and settles accounts

The 6 signed AWP/QWP and Quarterly Advance Settlements and Reports prepared by Project Coordinator (with support of LSMP Secretariat) submitted to UNDP

LSMP Secretariat (for reference purpose)

Project Board: approval of overall LSMP Support Project Annual Workplan and signed by respective Head of Pillars/Output leads

Quarterly Workplans and budget proposals approved and signed by respective Head of Pillars/Output leads

LSMP Secretariat reviews all draft LSMP AWP/QWP to ensure alignment with overall LSMP Support Project and consolidate into overall LSMP Support Project Workplan

1 Bank Account per Output/Award

Funds released quarterly to agencies according to QWP for respective outputs of Support Project

Output 1 (led by MOJ)
Output 2 (led by OSPP)
Output 3 (led by MOJ)
Output 4 (led by MOJ)
Output 5 (led by MoFA)
Output 6 (led by MOJ)

Quarterly Progress Reports and expenditure reports approved by respective Head of Pillars/Output leads

PLAN/BUDGET FOR ACTIVITIES:
Prepared: Head of Pillars/Output Managers
Supported by: Project Coordinator/LSMP Secretariat
Assurance by LSMP Programme Specialist
AWP: approved by Project Board
QWP: Approved by Head of Pillars/Output Leads (as NPDs)

CASH ADVANCE/SETTLEMENT:
Prepared: Project Coordinator (with support of LSMP Secretariat)
Certified: Head of Pillars/Output Leads (as NPDs)
Assurance: LSMP Programme Assurance Specialist
Approved by UNDP
PART VIII: MONITORING, EVALUATION AND REPORTING

Project controls ensure that each level can:

- Monitor progress.
- Compare achievement with plan.
- Review plans and options against future scenarios.
- Detect problems, initiate corrective action and authorize further work.
- Detect Project risks and Project issues early enough to react in time.

The Monitoring and Evaluation activities during Project implementation are expected to:

- Assist the executing agency to effectively manage Project implementation, and
- Enable the stakeholders to ensure that the Project activities and outputs produce desired outcomes.

The Reporting system will ensure that relevant stakeholders are informed on substantive and operational details of progress of the Project, as per norms for reporting in UNDP-assisted projects. The accountability of implementing partners is specifically defined as the responsibility to: (1) report, fairly and accurately, on project progress against agreed work plans in accordance with the reporting schedule and formats agreed upon; and (2) maintain documentation and evidence that describes the proper and prudent use of project resources in conformity with the project agreement and in accordance with applicable regulations and procedures. This documentation will be available on request to project monitors and designated auditors.

In accordance with the programming policies and procedures outlined in the UNDP NIM Manual and POPP User Guide, the Project will be monitored through the following:

Monthly:

- The Secretariat will organize a monthly project meeting to discuss the progress and challenges in each pillar, and the minutes of such meetings shall be recorded. Leading figures for each Output are expected to attend a meeting to report back to the Secretariat. And also, the NPD or PM for the upcoming NASSP could participate into the monthly project meetings to ensure greater coordination and synergies as appropriate, and avoid overlap, duplication or contradiction.

Quarterly:

- On a quarterly basis, Pillar Heads/Output Managers (with support of Project Coordinator, Programme Specialist, and Technical Specialist) shall prepare a quality progress report recording the progress towards the completion of key results to be reviewed during quarterly Pillar Coordination meetings and consolidated by LSMP Secretariat.
- Data collection reviewed for measuring the indicators introduced at the output level
- An Issue Log shall be activated in Atlas and updated by the Project Assurance lead to facilitate tracking and resolution of potential problems or requests for change.
- Risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation. A project Lesson-learned log shall be activated and
regularly updated by the Project Support Team to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project.

- A Monitoring Schedule Plan shall be activated in Atlas by the Project Assurance lead and updated to track key management actions/events, based on the Comunications Plan that the Secretariat prepares on a quarterly basis.

- Based on the above information recorded in Atlas, Progress Reports (PR) shall be submitted by the Secretariat to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot. A consolidated summary narrative of progress for all Outputs will be produced (in Lao and English), with focus on assessments of cross-cutting activities/issues.

- A quarterly pillar coordination meeting should be organized in order to draft and finalize a quarterly work plan, and the minutes shall be recorded at each occasion. This meeting could be combined with the monthly meeting.

- A quarterly work plan should be formulated at the beginning of each quarter, based on the annual work plan.

**Annually**

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Support Team and shared with the Project Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the Quarterly project report (QPR) covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level. A consolidated summary narrative of progress for all Outputs will be produced (in Lao and English), with focus on assessments of cross-cutting activities/issues.

- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

- **Annual Work Plans** for the Support Project will be developed through consolidation of respective output workplans and extensive consultations with all stakeholders to review and assess the overall LSMP Support Project annual work plans to ensure that activities are mutually reinforcing and coordinated between outputs, and to identify opportunities for joint collaborative activities. It will be approved by the LSMP Project Board.

- **Financial Flow:** funds will route to the department or agency in charge of implementing the respective outputs. Principles of Harmonized Approach to Cash Transfer (HACT) to Implementing Partners will apply. Work plans and associated financial plans will be prepared in consultation with the Implementing Partners and signed by respective Pillar Heads/Output Leads acting as NPD.

- **Spot Checks and Audits.** In order to ensure that the Support Project is in full compliance with the NIM Guidelines, SOP, and other relevant regulations, spot checks and audits will be planned on an annual basis. Upon completion of spot checks and audits, the project team together with
UNDP will prepare management responses to show what kind of action to be taken. The follow-up progress will be closely monitored by relevant officers.

**Project Evaluation:** An independent mid-term evaluation/review (MTE/R) of the Project will be undertaken *not later* than 18 months after Project start-up. The MTE/R will, among other things:

- Assess overall Project progress to date, with emphasis on progress towards achieving outputs.
- Evaluate and (if necessary) fine tune Project orientations and arrangements.
- Examine Project management arrangements to ensure that they are adequate for and consistent with the attainment of Project outcomes and the implementation of agreed Project activities
- Provide findings and recommendations to improve implementation, delivery and sustainability in terms of implementation, coordination and financing of the project.

Evaluation reports will be circulated to the Project stakeholders so that recommendations and lessons can be followed up in an appropriate manner.

The Project Board will determine the necessity of a final, independent evaluation. If it’s deemed necessary and useful, it is expected to take place approximately 3-6 months prior to the expected completion of the Project. This final evaluation will pay particular attention to outcomes of the Project, and make use of a sample survey with rural households and urban businesses, as well as other specific target groups, such as women, to assess improvements in justice service delivery. Where possible, this evaluation will be conducted in conjunction with, or as part of an evaluation of any other legal sector initiative running at the time.

At the time of formulating the SPLSMP document, both evaluations are budgeted under Output 6.

**Project Reporting:**

The Project will present regular reports about progress against work plans and against output indicators at semi-annual or annual review meetings in Vientiane. These semi-annual and annual reports will be made on a consolidated basis. Prepared on a quarterly basis, the reports will include a narrative element that examines the reform-linked processes that the Project has been supporting.

**Donor Reporting:**

UNDP will submit reports to donors in line with the requirements set out in the respective agreements. In line with the Vientiane Declaration on Aid Effectiveness, it is suggested that this Support Project develop *one overall report*, regardless of donors’ focus on certain areas, which will help significantly reduce the work of the Secretariat.

**Visibility:**

The Project staff will ensure that the results of the Project will be communicated with the acknowledgement of the donors whose contributions led to them. As part of the LSMP Communication Strategy and Visibility Plan to be developed by the LSMP Secretariat (Sub-output 4.2), communication and visibility plan outlining the related communication activities should be discussed and agreed between the Ministries, donors and UNDP. The Joint Visibility Guidelines for EC-UN Actions30 will serve as guidance for developing the visibility & communication strategy.

---

Risks:

The LSMP Support Project is subject to all generic risks inherent in legal reform projects all over the world: little of a technocratic nature can be accomplished without the requisite political will from the highest levels, in terms of sustained commitment to and perseverance of government leadership in a long-term process of change. The most significant issues faced by Lao PDR are not to be understood simply as matters of technical language or shifts in administrative and organisational structures. One underlying issue that is a prerequisite for effective reform is that decision-making by a principled, competent and independent judiciary and adherence to transparent principles of law, applied equally and accessible to all, must be accepted by a sufficient number of members of power groups as a premise on which to base a modern market-oriented economy and rule of law society in Lao PDR. The effective resolution of all other issues being discussed and worked on by members of the Lao legal community, as well as other sectors depends on a positive response to this issue. It is, therefore, a matter of first priority to establish and maintain high-level attention on, and commitment to, realising the principles and goals of the LSMP.

The corollary of gaining such high-level commitment and support is that the aims of the LSMP - and Project - need to be known, understood, owned, and supported by broader society. All the support, restructuring, and capacity-building in the world will only amount to changes on paper, unless citizens are made aware of the changes and the reasons for them, the nature of their rights, the means by which they may exercise them, creating confidence in them, and then actually enabling them to do so. This requires involving the public in the reform process itself, in terms not only of understanding and utilising the system but also in shaping reforms and pushing the system to improve itself. Only when the system can deliver greater justice services to the public, as well as enabling them to realise their full range of rights, can the aims of the LSMP be deemed achieved and the process of reform successful, at least in part.

Challenges

The greatest single obstacle or challenge is the scale and complexity of the task set out in this LSMP Support Project, both in terms of time and scope. The Initiation Plan sought to answer this challenge, relying to a degree on the ancient adage that “a journey of a thousand miles begins with a single step”. That first step has now been taken. More concretely, the Initiation Plan, Preparatory and Transitory Phase Project, and now the Support Project establish a national framework within which the elements of the LSMP can be defined or redefined/revised, phased, and tackled as manageable tasks. As coordination and close cooperation between the various stakeholders in the LSMP implementation process is also vital, given the complexity and scale of the task, preparatory assistance also sought to create the coordination and support mechanism to ensure that this process can be sustained, and adapted, over a long-term period - to 2015, 2020 or beyond - and effected using various co-operation and support, not just a single, set project or programme.

Human Resources

As described earlier, the SPLSMP will have the minimum staffing structure with all international staff being secured for 2 years due to the budgetary constraints, which could pose a risk for effective management and implementation of the Support Project. Given the scale and complexity of the legal sector and Support Project, support from such international staff will be critical for successful implementation and delivery of the Project.
As some donors have already showed their interest in contributing to the Program, the Secretariat and UNDP must continue their efforts to mobilize further resources so that these international posts could be secured for the full project duration. In the meantime, the international staff are expected to provide the Secretariat members and other relevant government staff with regular training on reporting, M&E, and management and implementation mechanism of the Support Project so that it will create a more sustainable environment beyond the project duration.

**Commitment**

As noted, probably the most significant limitation on potential implementation, apart from the scale of the task itself, is the level of commitment to see the task through. High-level commitment is, of course, paramount. The LSMP itself, as well as the consensus of the legal sector agencies on its necessity, is an indication of such commitment, as was its endorsement by the Government.

A key aspect of ensuring commitment, particularly in the long-run, is ‘ownership’ of the process, as well as the concepts that underlie it. The *Vientiane Declaration* calls for the Government to “exercise effective leadership over the development policies, strategies and coordinate development actions”. While external expertise – domestic, regional or international – will be involved in informing the formulation and execution of various activities, this should take the form of the presentation of experience and options, with external experts supporting the responsible Lao officials or other stakeholders. As with the LSMP itself, the reform activities carried out should be essentially Lao solutions, thoroughly digested and comprehended by Lao stakeholders, and tailored to the realities and context of the Lao PDR. Moreover, ownership of the process must not be exhibited by the Government alone, or by a single agency, but by all stakeholders jointly and severally. As such, all stakeholders must be encouraged and enabled to participate fully in the process.

Commitment is also required on a conceptual level. Officials, at all levels, must understand and accept – and, of course, desire - the rule of law and the need for universal access to justice, as well as the specific initiatives and actions under the SPLSMP in order to secure those. The public, as well as specific sections of it, must also understand, accept, and desire such reform. Therefore, effectively communicating, explaining, and educating on these aims and principles, in addition to the dissemination of accessible information about specific legal rights and responsibilities, and procedures, is a matter of the highest order and will be pursued vigorously throughout the life of the Project.

Commitment, in the form of adequate resources, is necessary too. Such commitment is requested from DPs, of course, given the size of the task. The willingness and ability of a (potential) partner, both initially and in the long-run, is partly a foreign domestic political question. However, evidence of commitment to the Project on the side of the Lao authorities – as outlined in this section - will, in turn demonstrably, help marshal and maintain the necessary political commitment on the DP’s side.

Resource commitment is also required from the Lao Government, not just in terms of funds or in-kind contributions, but in terms of staff who are dedicated to the process. This means trying to minimise staff turnover, although LSMP implementation will undoubtedly involve a regular rotation of staff away from their duties for capacity-building in Laos and there will also be a need to balance, or even rotate, representatives from the core legal agencies within the LSMP mechanisms to prevent these from becoming seen to be the preserve of a single agency. It means assigning staff to tasks and trying to ensure that they are not distracted by competing, particularly their regular, duties - balancing this against the need to ensure that the execution of their regular duties also does not suffer. Conversely, DPs should endeavour to minimise their own demands upon the hard-pressed and limited staff within the Lao system.
Capacity

Linked to the commitment to implement the LSMP is the Government’s capacity to do it: or, rather, a potential lack thereof. In part, this is a question of the capacity of the personnel within the system: their training, numbers, and motivation. As the LSMP notes, capacity in terms of training is low, although it is increasing. This is one of the key objectives of the Plan itself to rectify. That is why human resource capacity-building must be a priority area for support in LSMP implementation.

Staff numbers are also low, relative to the demands increasingly being placed upon their respective institutions; demands which full implementation of the LSMP will undoubtedly increase. Quotas for new staff are being increased in many agencies but, still, they are often unable to fill vacancies, even when the resources for additional staff are available. In many cases, moreover, qualified personnel do not wish to take jobs in the sector, given difficult conditions (particularly in remote locations), heavy workloads, and poor remuneration packages.

The issue of inadequate remuneration feeds into the question of staff motivation. Obviously, an official that is not paid a living salary will have little incentive to work hard. In practical terms, they will be forced to find other means to supplement their salaries, which may distract them from their official duties. Worse, it may lead to conflict of interest situations or make them susceptible to influence or outright corruption.

As noted, efforts have been made to increase the number of staff each agency is allowed, as well as to provide incentives to those who will agree to work in more difficult conditions. Codes of ethics, and training on such, will improve professional responsibility. However, if these obstacles are to be effectively overcome, the issues of adequate and sustainable financing of legal sector institutions and realistic wages for their personnel must be addressed, linked into broader public administrative reform processes, and, ultimately, resolved.

The other aspect of capacity is the ability of the legal sector institutions, and of the system itself, to absorb the technical and material resources to implement such a wide-ranging reform programme. (Linked to this is the capacity of partners to sustain support in the long-run, but that is dependent upon political factors as much as anything else.) As repeatedly noted, LSMP implementation is a huge undertaking, which will entail major changes in processes, institutions, and mindsets. Here too, however, the ‘single step’ principle is at work. Implementation has already begun, albeit in many small ways. Focusing reform efforts on defined, practical steps, primarily in the core legal sector agencies, and then building upward and outward will allow time for system-wide capacity to be developed.

Similarly, implementation focus from the outset must be on building ‘reform capacity’ through ‘doing’ - i.e., through concrete activities - as well as the capacity to incorporate and effectively utilise technical assistance and resources. This might start within the LSMP management mechanism but, from there, must be expanded to all the involved agencies and stakeholders.

Co-ordination

Building systemic capacity, as well as LSMP implementation per se, will require strong co-ordination between the stakeholders, as well as with DPs. Traditionally, co-ordination between agencies has been weak and some institutional rivalries strong. The risk is that the LSMP will be seen as the preserve of one or another agency. This must not be allowed to happen and past lack of co-ordination must be overcome.
The formulation of the LSMP management mechanism is key to this. The Secretariat must, first of all, be a truly inter-agency body in which all the stakeholders are actively involved and derive a sense of ownership for the implementation of the LSMP. In the case of the Secretariat, this would require regular working-level engagement, from the beginning, between the core legal sector agencies. In the Project Board, key stakeholders in the legal sector should be all engaged. This may also entail a rethink of the permanent physical location of the Secretariat, as well as of agency representation - including rotation of management - within the Secretariat Project Board. Also, real access to the process for the broader array of stakeholders and partners must be built into the system (such as the LIO SSWG forum).

As part of this, the Secretariat - as well as the NLCG and Project Board - should provide coordination support to the entire LSMP, in addition to the execution of the Support Project. More concretely, the Secretariat should initially aim to coordinate with all development partners actively supporting the legal sector as well as line ministries and agencies so that the Project Board can have a broader view of the implementation of the Legal Sector Master Plan. Even if some DPs are providing parallel support to the LSMP implementation, their work plans need to be shared with the Secretariat in order to avoid duplication and also achieve synergy between DPs’ projects/programmes when they are working in a similar area. This will contribute to formulating a coherent information matrix identifying each DP’s focus area and its implementation status.

Many of the activities planned under the Project will build upon the work of past projects or, indeed, be closely related to the work of projects that are on-going; e.g., those initiatives outlined in the ‘Project Context’ section above. Some of these initiatives may be unfamiliar to some or all of the main LSMP participants. As such, establishing close and early co-ordination - including a detailed mapping of all activities related to the sector and institutional coordination of work plans through the Pillars - is vital in order to avoid overlap, duplication or contradiction, but also to ensure the establishment of modalities of collaboration and means - or a system - for the transfer of knowledge that will achieve the greatest synergy and impact of all such initiatives, singly and collectively - and, thereby, de facto to advance the attainment of overall LSMP goals. Moreover, in order to maximise the impact of limited resources, the outputs of one project or activity should be utilised in other activities and mainstreamed into the system, successful activities should be replicated, and expertise developed or already available in-country - e.g., from the specialised UN agencies - should be used, rather than seeking to create it de novo or import it from abroad.

In part, such detailed technical cooperation is expected to be greatly facilitated by the regular sharing of stakeholder plans and proposals, intensive review and discussion, and coordinated work planning that will take place within the Pillars and Secretariat, supported by the Project Coordinator.

**Methodology and Logistics**

Without proper methodologies and logistics, LSMP implementation, while producing moderate change or improvements, will not affect real change in the system or create the necessary momentum to carry the process through to its end. It risks simply repeating the same methods and strategies of the past.

Preventing this, of course, is linked to addressing those concerns mentioned above: particularly, capacity and co-ordination. Heeding lessons learned from past initiatives, as well as co-ordinating with other current projects in the sector, will be a good start, as will be building capacity through ‘doing’. Similarly, applying best practices or lessons from one area of reform to other areas, will also help. As noted, technical experts deployed, or methodologies developed, in one component should also be used in others, when relevant. Not only will this allow for cross-fertilisation and harmonisation or consistency, it will reduce costs. This process might be summarised as: coordination, capture, replication, and roll-out.
While many of the problems in the current system are the result of a lack of resources, lack of training, et cetera, it is likely the case that, even with more resources, such interventions could still be improved. As such, rather than simply providing resources for more training or new dissemination media, a significant level of time and effort should be invested at the outset to establish baselines, identify the root causes of problems, and develop potential solutions. Then, in some cases utilising regional or international or external domestic expertise, the possibility for adopting new, more effective training methods, media, or procedures, or of targeting new beneficiaries, can then be pursued.

More concentration should be placed on ensuring a common comprehension of concepts and terminology. One example is that of language and the difficulty of expressing foreign legal concepts in the Lao language. While upgrading Lao officials’ foreign language skills is very useful, it is only possible to train a small proportion of them to a sufficient standard. Therefore, development of the Lao legal vocabulary adequate to meet the demands of the new – and future – legal system should be a priority, as should be the dissemination of it to officials and the broader public. (As was mentioned in reference to ‘commitment’, understanding of the concept of the ‘rule of law’ is vital. The development and dissemination of a clear and comprehensive Lao definition of this would be particularly useful – and may prevent some misunderstanding with partners and foreign advisers.)

In order to break out of the mindset of short-term or ‘one-off’ activities or goals that is common in a system under stress, as is the case of the Lao legal system in this period of rapid change, there is a need to distil the principles or aims in the LSMP into specific and practical, sequenced steps. At the same time, higher, long-term reform goals need to be extrapolated from, and clearly linked to the specific projects defined in the annexes of the LSMP, then communicated to the public. Moreover, as outlined in Part III, there is a need for intensive research into a number of topics relating to the medium and long-term development of the system and models and modalities for achieving the ultimate LSMP goals.

**Top-down and Bottom-up**

As emphasised above, the involvement of broader society in LSMP reforms is also paramount. However, it must be recognised that ‘civil society’, as it is understood elsewhere, is very weak in the Lao PDR. The Party, and affiliated organisations, have hitherto largely filled the role of civil society representatives and there is still some reluctance on the part of legal sector agencies to consult or involve National civil society, other civil society representatives or the public directly, in reform processes. Conversely, such ‘civil society’ representatives as exist, as well as the public, are not yet fully prepared to participate effectively should the opportunity arise. As such, the national coordination mechanism, and the Project, should foster the participation of civil society, the private sector, and other groups within society in activity (work) planning; including the prioritisation of initiatives that promote access to justice, as well as the empowerment of citizens, particularly disadvantaged groups, to exercise and fulfil their rights pursuant to Laos’ constitutional framework and international commitments. Toward this end, a degree of ‘affirmative action’ should be exercised by encouraging future reform initiative proposals to be submitted - to the LSMP implementation mechanism and Project Board - by such representatives for funding or other support; e.g., through the People’s Justice Fund (see Section II).

**Monitoring and Evaluation**

Finally, and this follows from the previous point, regular and candid monitoring and evaluation is imperative. This should not be carried out simply to meet the procedural requirements of the management and DPs. It should be substantive and detailed: aimed at ensuring that activities are effective – measured against baselines that are established at the outset of Project implementation, including those related to stakeholder perceptions and experiences of the system - and that best
practices are extracted and applied more widely, while mistakes are not repeated. In turn, this information can be used to build or reconfigure future or more advanced activities and phases, not least in the ongoing updating and refinement of the Project work plan.

The mitigation of the aforementioned risks has been partially addressed in the design of this Project, which is based upon close coordination and proactive implementation oversight by the national LSMP coordination mechanism, and will be dependent to a great extent on the ability of this mechanism to establish and maintain an atmosphere of cooperation among the key law-related agencies and other stakeholders in the sector. Nevertheless, given the nature of the sector and the LSMP itself, there will be considerable adaptation of priorities, activities, and methodologies during the course of implementation; that is, the devil of LSMP and Project implementation will be in the detail. Therefore, any such adaptation should be based upon empirical experience as to what has worked and what has not, identified through continuous monitoring and evaluation, as well as being directed by the ever present need to mitigate and, indeed, overcome the risks and tendencies described previously.

Quality Management for Project Activity Results

As part of the M&E framework, the quality management chart provided below will guide this Project to monitor and evaluate the progress made throughout the implementation period. Each Output will be monitored and evaluated against the output-level baselines, indicators, and targets provided within the results framework. A collection of Outputs are expected to contribute to the UNDAF Action Plan Output 2.4: The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights as well as the UNDAF Outcome 2: By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making.

**UNDAF Outcome 2 indicators** that are relevant to the SPLSMP include:

- Progress on implementation of Legal Sector Master Plan strategic directions
- Progress towards Law on Laws on unified standards to draft laws
- Number of provinces with at least one legal aid clinic provided for the poor and vulnerable

**UNDAF Output 2.4 indicators** include:

- % of accepted 74 Universal Periodic Review Recommendations which are fully implemented
- % of new laws drafted/existing laws revised in line with international treaty obligations
- National Committee or Agency for the Protection of Human Rights established in line with the Paris Principles relating to the national human rights institutions
- Progress towards a functioning monitoring system for enforcement of laws
- Fully functioning national database on legislation and legal resource

| OUTPUT 1: Enhanced Capacity, procedures, and standards for legislative development and implementation in Lao PDR |
|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| **Activity Result 1 (Atlas Project ID)**        | **SPLSMP Output 1: Legislative Development**  | **Start Date: September 15, 2013**              |
|                                                  |                                                 | **End Date: December 31, 2016**                 |
| **Purpose**                                      | Output 1 of the LSMP Support Project essentially contributes to the objective of Pillar 1: Development of a uniform, coherent, clear, credible, and predictable legal framework in a transparent and participatory manner. The Ministry of Justice (particularly Department of Law) is expected to take the lead in this Output.                       |
The coherent, effective, efficient and well-resourced legislative framework is a critical foundation for the rule of law and development of any legal system. Given Lao PDR’s unique political history, its legislature and related legislative culture lack relative transparency. While the National Assembly members are elected in a popular election, the majority serves in a part-time capacity. The supporting administrative machinery also lacks adequate human resources. The Assembly adopts legislative plans, but the effective implementation of these plans remains a challenge because of inadequate resources. This output addresses some of these challenges to help lay a sound foundation for the development of the rule of law.

### Description

1.1: The way forward formulated for improving current legislative development process, based on a comprehensive baseline assessment
1.2: Systematic and consistent law drafting process introduced through development of a law making manual
1.3: A handbook of legal terms in Lao developed to provide support for consistent terminology in legal drafting and amending
1.4: More systematic approach achieved for amending and drafting key laws, using the uniform law making manual to enable improved legal system
1.5: Consultation forum piloted for civil society organizations and other relevant entities to provide comments on draft legislation

Action plan formulated for improving current legislative development process, based on a comprehensive baseline survey

<table>
<thead>
<tr>
<th>Quality Criteria</th>
<th>Quality Method</th>
<th>Date of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>how/with what indicators the quality of the activity result will be measured?</td>
<td>Means of verification. What method will be used to determine if quality criteria has been met?</td>
<td>When will the assessment of quality be performed?</td>
</tr>
<tr>
<td>Overall:</td>
<td>(1) Check the list of laws the SPLSMP is going to provide technical support for; check the use of the law-making manual and legal dictionary whenever the SPLSMP support development of new legislation; progress reports</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings</td>
</tr>
<tr>
<td>(1) Number of new laws supported, making reference to the law-making manual and law dictionary (ensuring the same procedures, standards and terminology) (2) Number of draft laws CSOs and other relevant stakeholders provide comments for</td>
<td>(2) Written statements made by CSOs and other relevant stakeholders; minutes of consultation forums; progress reports</td>
<td></td>
</tr>
<tr>
<td><strong>1.1:</strong></td>
<td>(1) Baseline assessment report, including an action plan; Quarterly and annual progress reports</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings</td>
</tr>
<tr>
<td><strong>1.2:</strong></td>
<td>(1) Existence of the law making manual (1) Launching event; Newspaper articles; Hard copy of the manual; Interview with officials involved in the law making process; Quarterly and annual progress reports</td>
<td>- Mid-term evaluation is planned no later than 24 months after</td>
</tr>
</tbody>
</table>

94
1.3:  
(1) Existence of the law dictionary  
(1) Launching event; Newspaper articles; Hard copy of the manual; Interview with officials involved in the law making process; Quarterly and annual progress reports  
- Mid-term evaluation is planned no later than 24 months after the project is launched  
- project board meetings (including annual review meetings)  
- monthly project meetings

1.4:  
(1) Number of laws identified for technical support by SPLSMP  
(2) Frequency of relevant officials making reference to the law-making manual and law dictionary  
(1) Minutes of consultation meetings agreeing on which laws to support; list of laws agreed on for technical support by SPLSMP; progress reports  
(2) Periodic small surveys or questionnaires to measure how often relevant officials use the law-making manual; interview with selected officials on their use of the manual  
- Mid-term evaluation is planned no later than 24 months after the project is launched  
- project board meetings (including annual review meetings)  
- monthly project meetings

1.5:  
(1) Number of laws discussed and identified for consultation forums  
(2) Number of CSOs involved in the consultation process  
(1) Minutes of consultation meetings agreeing on the list of laws for consultation forums; progress reports  
(2) Participants list for CSOs in the consultation forums; progress reports; interview with selected CSOs  
- Mid-term evaluation is planned no later than 24 months after the project is launched  
- project board meetings (including annual review meetings)  
- monthly project meetings

OUTPUT 2: Institutional capacity, structure, and arrangements further improved at legal and judicial institutions for more effective and responsive judicial process

<table>
<thead>
<tr>
<th>Activity Result 1 (Atlas Project ID)</th>
<th>SPLSMP Output 2: Institutional Capacity Development</th>
<th>Start Date: September 15, 2013</th>
<th>End Date: December 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Output 2 contributes to Pillar 2 of the Master Plan: Development of a systematic, transparent, and effective group of law implementation/enforcement agencies. In this Output, the particular focus will be placed on capacity development of the LSMP core agencies (mainly MPS, OSPP, and PSC). The Office of Supreme People’s Prosecutor is expected to play a coordinating role in this Output.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Quality Criteria</td>
<td>Quality Method</td>
<td>Date of Assessment</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 2.1: Enhanced ability of legal institutions to ensure implementation of criminal court judgments and access to justice  
2.2: The organizational and operational system of MPS, OSPP and PSC is further strengthened for more effective law enforcement, prosecution, and judgment  
2.3: Pool of capable lawyers and public access to legal services further expanded (2.3.1: Support by France and 2.3.2: Support by US) | how/with what indicators the quality of the activity result will be measured?    | Means of verification. What method will be used to determine if quality criteria has been met?                        | Mid-term evaluation is planned no later than 24 months after the project is launched |
| Action plan formulated for improving current legislative development process, based on a comprehensive baseline survey | Quality Method                                                                                                           | Date of Assessment                                                                                                     | Overall: (1) Percentage of criminal court cases and judgments uploaded to the computer database  
(2) Percentage of relevant officials in the legal sector showing proper understanding on the roles and functions of the legal sector agencies (baseline to be set under Sub-output 2.2)  
(3) Number of newly licensed lawyers each year | (1) Percentage of criminal court cases and judgments uploaded to the computer database  
(2) Percentage of relevant officials in the legal sector showing proper understanding on the roles and functions of the legal sector agencies (baseline to be set under Sub-output 2.2)  
(3) Number of newly licensed lawyers each year | (1) Check the number of cases uploaded to the computer database against the total cases filed at legal sector agencies  
(2) Periodic surveys and/or questionnaires to be filled out by relevant officials in the legal sector to measure their level of understanding; interview with selected officials  
(3) Number of licenses issues each year | Mid-term evaluation is planned no later than 24 months after the project is launched |
| 2.1: Existence of computer database on criminal cases  
2.2: Existence of an action plan for further improvement of penal system including procedures and practice for the handling and treatment of accused and convicted persons | Overall: (1) Percentage of criminal court cases and judgments uploaded to the computer database  
(2) Percentage of relevant officials in the legal sector showing proper understanding on the roles and functions of the legal sector agencies (baseline to be set under Sub-output 2.2)  
(3) Number of newly licensed lawyers each year | (1) Launching ceremony; written statements by the Government; progress reports  
(2) Minutes of consultation meetings to discuss how to improve the penal system; written action plan; progress reports | Mid-term evaluation is planned no later than 24 months after the project is launched |
| (1) Existence of computer database on criminal cases  
(2) Existence of an action plan for further improvement of penal system including procedures and practice for the handling and treatment of accused and convicted persons | (1) Existence of computer database on criminal cases  
(2) Existence of an action plan for further improvement of penal system including procedures and practice for the handling and treatment of accused and convicted persons | (1) Launching ceremony; written statements by the Government; progress reports  
(2) Minutes of consultation meetings to discuss how to improve the penal system; written action plan; progress reports | Mid-term evaluation is planned no later than 24 months after the project is launched |
| 2.2: Level of relevant officials’ understanding on the roles and functions of the legal sector agencies clarified  
(2) Existence of information materials for identifying the role of the legal sector agencies  
(3) Existence of the TOR for establishing administrative/labor courts for the Government’s adoption | (1) Level of relevant officials’ understanding on the roles and functions of the legal sector agencies clarified  
(2) Existence of information materials for identifying the role of the legal sector agencies  
(3) Existence of the TOR for establishing administrative/labor courts for the Government’s adoption | (1) Questionnaires to be filled out by relevant officials to measure their understanding on the roles and functions of the legal sector agencies at the inception, mid-term, and final stages of the SPLSMP; progress reports  
(2) Printed information materials for identifying the role of the legal sector agencies; progress reports  
(3) Written TOR; statements by the Government; progress reports | Mid-term evaluation is planned no later than 24 months after the project is launched |
| (1) Level of relevant officials’ understanding on the roles and functions of the legal sector agencies clarified  
(2) Existence of information materials for identifying the role of the legal sector agencies  
(3) Existence of the TOR for establishing administrative/labor courts for the Government’s adoption | (1) Level of relevant officials’ understanding on the roles and functions of the legal sector agencies clarified  
(2) Existence of information materials for identifying the role of the legal sector agencies  
(3) Existence of the TOR for establishing administrative/labor courts for the Government’s adoption | (1) Questionnaires to be filled out by relevant officials to measure their understanding on the roles and functions of the legal sector agencies at the inception, mid-term, and final stages of the SPLSMP; progress reports  
(2) Printed information materials for identifying the role of the legal sector agencies; progress reports  
(3) Written TOR; statements by the Government; progress reports | Mid-term evaluation is planned no later than 24 months after the project is launched |
| 2.3: Number of new lawyers licensed each year | (1) Number of new lawyers licensed each year | (1) Verification on new lawyers receiving a license; progress reports  
(2) Count on number of lawyers who are trained to be trainers; progress reports | Mid-term evaluation is planned no later than 24 months after the project is launched |
### OUTPUT 3: More systematic development of legal and judicial professionals enabled through the establishment of a unified judicial training institute

<table>
<thead>
<tr>
<th>Activity Purpose</th>
<th>SPLSMP Output 3: HR Capacity Development</th>
<th>Start Date: September 15, 2013</th>
<th>End Date: December 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose</strong></td>
<td>This Output lends support to Pillar 3 of the Master Plan: Strategic Development of Human Resources in the Legal and Judicial Sector. The Ministry of Justice (Training Institute) is expected to take the lead in implementing Output 3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Description**
3.1: The plan to establish a Judicial Training Institute is implemented in a well-coordinated manner among all key stakeholders.
3.2: Coordination and facilitation support provided to further strengthening the capacity and skills of judges and prosecutors through the establishment of a National Judicial Training Institute (Funded by the Government of France).

**Action plan formulated for improving current legislative development process, based on a comprehensive baseline survey**

<table>
<thead>
<tr>
<th>Quality Criteria</th>
<th>Quality Method</th>
<th>Date of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>how/with what indicators the quality of the activity result will be measured?</strong></td>
<td><strong>Means of verification. What method will be used to determine if quality criteria has been met?</strong></td>
<td><strong>When will the assessment of quality be performed?</strong></td>
</tr>
<tr>
<td>Overall:</td>
<td>(1) Launching ceremony; newspaper articles; progress reports</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched</td>
</tr>
<tr>
<td></td>
<td>(2) Minutes of consultation meetings agreeing on joint initiatives; agenda and minutes of joint activities; progress reports</td>
<td>- project board meetings (including annual review meetings)</td>
</tr>
<tr>
<td></td>
<td>(3) Check the number of young professionals in the trainees list; check the number of training completion certificates issued; graduation ceremony; progress reports</td>
<td>- monthly project meetings</td>
</tr>
<tr>
<td></td>
<td>(4) Occasional surveys or questionnaires to be filled by trainees to measure their satisfaction with the training program; interview with selected trainees</td>
<td></td>
</tr>
<tr>
<td><strong>3.1:</strong></td>
<td>(2) Closely monitor the progress matrix included in the overall work plan; check with each responsible party to update the progress matrix; minutes of consultation meetings among key stakeholders discussing the progress of JTI establishment; progress reports</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched</td>
</tr>
</tbody>
</table>

| (2) Number of lawyers who can act as a trainer | (3) Launching ceremony; newspaper articles; written statements by the Government; progress reports | the project is launched |
| (3) Existence of a legal aid clinic in a province | | - project board meetings (including annual review meetings) |
| | | - monthly project meetings |

- Mid-term evaluation is planned no later than 24 months after the project is launched
- project board meetings (including annual review meetings)
- monthly project meetings
### 3.2: 
(1) Existence of legal basis for establishing a judicial training institute  
(2) Existence of a common curriculum for a unified judicial training  
(3) Existence of entry and final exams  
(4) Existence of training materials

| Activity Result 1 (Atlas Project ID) | SPLSMP Output 4: Access to Justice | Start Date: September 15, 2013  
End Date: December 31, 2016 |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Output 4 contributes to Pillar 4 of the Master Plan: Strategic Plan for Development of Legal Databases and Information Resources and People’s Participation in the Legal and Justice Sector.</td>
<td></td>
</tr>
</tbody>
</table>
| Description                         | 4.1: The state of people’s actual knowledge of laws is examined through comprehensive surveys at the inception, mid-term, and final phases of the Project (in coordination with other outputs/sub-outputs)  
4.2: Enhanced capacity of the core agencies for more effective dissemination to citizens and civil society organizations at community level of information on new laws and rights recognized under new laws, as well as principles of good governance, through the development and implementation of an overall LSMP Communications Strategy and Visibility Plan  
4.3: Increased people’s legal empowerment and advanced implementation of the LSMP from the bottom-up through a pilot “People’s Justice Fund”  
4.4: More effective and extensive use of ICT developed to disseminate legal information  
4.5: Improved local justice system in selected “pilot villages and districts” under the Prime Minister’s Order through enhanced mediation techniques |
| Quality Criteria how/with what indicators the quality of the activity result will be measured? | Quality Method Means of verification. What method will be used to determine if quality criteria has been met? | Date of Assessment When will the assessment of quality be performed? |
| Overall: (1)a Percentage of local residents showing confidence in the information coming from the Government  
(1)b Percentage of local residents showing confidence in the formal justice system  
(1)c Percentage of local residents citing their lack of knowledge and capacity as | (1) A2J Survey conducted by UNDP as the baseline, surveys to be conducted under Sub-output 4.1; survey results produced by consultants; progress reports  
(2) Check the visitor counter on the one-stop website; inquiries to an IT officer; progress reports  
(3) Publication of a customary law strategy; launching event; progress reports | - Mid-term evaluation is planned no later than 24 months after the project is launched  
- project board meetings (including annual review meetings)  
- monthly project meetings |
the main barrier to their access to the formal justice system
(2) Number of visitors checking the one-stop website (with detailed analysis of demographics)
(3) Existence of a customary law strategy

| 4.1: | (1) Existence of an action plan based on the surveys to be conducted | (1) Surveys taken at the inception, mid-term and final phases of the SPLSMP on people’s perception of access to justice; written action plan based on the surveys; interview with selected samples; progress reports | - Mid-term evaluation is planned no later than 24 months after the project is launched
- project board meetings (including annual review meetings)
- monthly project meetings |
| 4.2: | (1) Number of ways government officials can reach out to citizens and civil society organizations at community level on rule of law-related subjects
(2) Number of districts and villages covered by dissemination campaigns | (1) Count on ways of dissemination (emails, website, legal aid, field visits, campaigns, distribution of brochures, town hall meetings, etc.); interview with relevant officials (especially members from Pillar 4)
(2) List of districts and villages to be targeted for dissemination campaigns; interview with selected local residents; field reports by government officials | - Mid-term evaluation is planned no later than 24 months after the project is launched
- project board meetings (including annual review meetings)
- monthly project meetings |
| 4.3: | (1) Number of stories received from those who are taking initiatives to enhance their access to justice at local levels | (1) Count on number of stories received at the LSMP Secretariat; quarterly and annual progress reports | - Mid-term evaluation is planned no later than 24 months after the project is launched
- project board meetings (including annual review meetings)
- monthly project meetings |
| 4.4: | - Existence of a one-stop website containing all relevant legal information | (1) Launching ceremony; newspaper articles; progress reports | - Mid-term evaluation is planned no later than 24 months after the project is launched
- project board meetings (including annual review meetings)
- monthly project meetings |
| Activity Result 1 (Atlas Project ID) | SPLSMP Output 5: International Law | Start Date: September 15, 2013  
End Date: December 31, 2016 |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>The strategy of this Output is that it will build on the kind of success that the ILP has enjoyed over the last ten years and strive to provide more systematic support in this new era where it will see a shift away from a project-based approach to a programme-based one. During Phase III (2009-2013), the ILP has mainly worked on capacity development of relevant stakeholders (such as the MOFA officials, line ministries, Human Rights Center, and law schools), which has already started yielding encouraging results: these stakeholders started serving as resource persons for certain activities. Under the SPLSMP, Output 5 will take it to the next level with sustainability of activities being one of the primary concerns. The ILP Team has already served as resources persons for a wide range of activities in the past, and now they need to expand it to forming an “International Law Pool of Talent” in Lao PDR so that awareness of international law-related matters can be trickled down to local levels. This effort will certainly contribute to other Outputs under this Support Project, especially Output 3 where relevant officials will primarily focus on establishing a national judicial training institute. This institute will be essentially mandated to develop and centralize systematic training programs and curricula, as each ministry and agency currently organizes training at its own training. Once the training institute is officially established, capacity development aspect of Output 5 could be integrated into the institute’s program as well.</td>
<td></td>
</tr>
</tbody>
</table>
| Description                       | 5.1: Linked to SPLSMP Output 1 (LSMP Pillar 1), Lao PDR’s legislative framework is further developed through signing/ratification of, and compliance with more international treaties as well as harmonization of these obligations with relevant domestic laws  
5.1.1: Gaps identified between national legislation and international legal instruments and standards accepted by Lao PDR on human rights and rights of vulnerable and marginalized groups  
5.1.2: More international treaties and conventions are considered for signing and ratification  
5.1.3: Capacity of MOFA and line ministries/agencies on reporting required under international treaties and conventions is further enhanced  
5.2: Linked to Output 3 (LSMP Pillar 3), training methodology on international law/human rights is further strengthened and became more sustainable through the development of specific training programmes, curricula, and other legal training materials on international law and human rights-related matters (selecting at least 2 training modules) |
5.3: Linked to Output 4 (LSMP Pillar 4), NPAs’ participation into the international law and human rights-related decision-making process increased
5.4: The National Action Plan on UPR Recommendations accepted by Lao PDR is formulated for an approval of the GoL for the next review cycle
5.5: Selected UPR recommendations that Lao PDR accepted are implemented, based on the national action plan that is to be developed under Sub-output 5.4

Action plan formulated for improving current legislative development process, based on a comprehensive baseline survey

<table>
<thead>
<tr>
<th>Quality Criteria</th>
<th>Quality Method</th>
<th>Date of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>how/with what indicators the quality of the activity result will be measured?</strong></td>
<td><strong>Means of verification. What method will be used to determine if quality criteria has been met?</strong></td>
<td><strong>When will the assessment of quality be performed?</strong></td>
</tr>
<tr>
<td>Overall: (1) Number of laws newly incorporating Lao PDR’s international legal obligations (2) Number of stakeholder reports that NPAs have prepared for treaty reporting (3) Number of international treaties considered for signing and ratifying (4) Percentage of UPR recommendations supported in the new review cycle</td>
<td>(1) Check consistency of new laws against international legal obligations adopted by Lao PDR; count how many of them incorporated international legal obligations (2) written stakeholder reports; submission of reports to relevant treaty bodies; interview with selected CSO representatives; progress reports (3) UN Treaty Events; newspaper articles; statements by the Government; National Assembly’s decision; progress reports (4) Count it against the list of UPR recommendations that Lao PDR accepts for the new review cycle</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings</td>
</tr>
</tbody>
</table>

5.1: (1) Existence of an action plan to fill the gap between international legal obligations and national legislation (2) Existence of an action plan with the timeline for all the required treaty reports | (1) Written action plan; list of recommendations for harmonization of national legislation with international legal obligations; progress reports (2) Written action plan; list of all required reports with the concrete timeline for report submission; progress reports | - Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings |

5.2: (1) Existence of specific training programs and training materials (2) Number of legal professionals that can act as a trainer on international law/human rights-related subjects | (1) Printed specific training programs and materials; minutes of consultation meetings agreeing on the training programs and materials; progress reports (2) Count on number of certificates given to new trainers on international law/human rights; interview with selected legal professionals | - Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings |

5.3: - Count on number of reports where NPAs gave their inputs/comments and compare that against the total | | - Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings |
(1) Number of reports (being prepared by the Government) to which NPAs could give their inputs to number of reports prepared by the Government; interview with selected NPAs; Quarterly and annual progress reports months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings

5.4:
(1) Number of CSOs participated into the UPR follow-up consultation process (2) Existence of a UPR national report to be submitted to the OHCHR (1) Count on number of CSOs participated into the UPR follow-up consultation process; interview with selected representatives; progress reports (2) Check the final UPR national report; minutes of consultation meetings agreeing on the content of the final UPR national report; acceptance of the report by the OHCHR - Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings

5.5:
(1) Percentage of UPR recommendations implemented (2) Existence of a roadmap to clarify the role of the existing National Steering Committee on Human Rights (1) Count on number of recommendations implemented under the SPLSMP and compare that against the total number of recommendations accepted by Lao PDR (2) Check the written roadmap to clarify the role of the existing National Steering Committee on Human Rights; minutes of consultation meetings agreeing on the content of the roadmap; progress reports - Mid-term evaluation is planned no later than 24 months after the project is launched - project board meetings (including annual review meetings) - monthly project meetings

OUTPUT 6: Enhanced capacity of the Secretariat for more effective coordination in the legal sector and implementation of the LSMP

| Activity Result 1 (Atlas Project ID) | SPLSMP Output 6: Enhanced Coordination | Start Date: September 15, 2013
End Date: December 31, 2016 |
---|---|---|
Purpose | This Output is not derived from the Master Plan itself, but it is critical that the capacity and function of the Secretariat be further strengthened for effective implementation of the Master Plan and to provide assistance to the functioning of LSMP implementing machinery (EU TAP 1.2). Given the scale of implementation that is required under the Master Plan as well as the large number of stakeholders involved in the legal and judicial sector, the Secretariat needs to play an important role in coordinating, managing, and occasionally implementing the Master Plan. This Output provides technical support to solidifying the function of the Secretariat as well as devising a long-term action plan for holistic implementation of the Master Plan. |
Description | 6.1: The effective management and implementation mechanism for the LSMP is enabled through the development and implementation of an overall LSMP Implementation and Management Strategy (including better understanding of principles of good governance by the Lao legislative, judicative and executive) 6.2: (funded by France): Technical expertise is provided to support the implementation of SPLSMP outputs |
6.3: The role and function of the LSMP Secretariat is further strengthened and clarified in relation to the Governance Sector Working Group mechanism, especially the Legal and Institutional Oversight Sub-Sector Working Group.

**Action plan formulated for improving current legislative development process, based on a comprehensive baseline survey**

<table>
<thead>
<tr>
<th>Quality Criteria</th>
<th>Quality Method</th>
<th>Date of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>how/with what indicators the quality of the activity result will be measured?</strong></td>
<td><strong>Means of verification. What method will be used to determine if quality criteria has been met?</strong></td>
<td><strong>When will the assessment of quality be performed?</strong></td>
</tr>
<tr>
<td>Overall: (1) Number of joint initiatives among key stakeholders including development partners implemented in the legal sector  (2) Number of NPAs and/or DPs contributing to LIOSSWG thematic workshops as resource persons</td>
<td>(1) Agenda and minutes of joint activities; progress reports  (2) Agenda and minutes of LIOSSWG thematic workshops</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched  - project board meetings (including annual review meetings)  - monthly project meetings</td>
</tr>
<tr>
<td><strong>6.1:</strong> (1) Existence of an overall management and implementation strategy  (2) Existence of main findings and recommendations from mid-term and possibly final evaluations</td>
<td>(1) Printed overall management and implementation strategy; minutes of consultation meetings agreeing on the main framework for the strategy  (2) Endorsement of the evaluations by UNDP and the Government</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched  - project board meetings (including annual review meetings)  - monthly project meetings</td>
</tr>
<tr>
<td><strong>6.2:</strong> (1) Number of times French experts provided technical support for the SPLSMP implementation</td>
<td>(1) Count the number of times the SPLSMP received technical support from French experts; agreements with the Embassy of France on which areas to support; final deliverables by French experts</td>
<td>- Periodic consultations with the Embassy of France  - Mid-term evaluation is planned no later than 24 months after the project is launched  - project board meetings (including annual review meetings)  - monthly project meetings</td>
</tr>
<tr>
<td><strong>6.3:</strong> (1) Number of times the overall LSMP coordination forums are organized to discuss the progress made in the legal sector under the framework of the LIOSSWG</td>
<td>(1) Count the number of times this overall topic is included in the agenda of the LIOSSWG</td>
<td>- Mid-term evaluation is planned no later than 24 months after the project is launched  - project board meetings (including annual review meetings)  - monthly project meetings</td>
</tr>
</tbody>
</table>
PART IX: LEGAL CONTEXT

This document together with the UNDAF Action Plan signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the Standard Basic Assistance Agreement (SBAA) signed by the Government of Lao PDR and UNDP on 10 October 1988 and all UNDAF Action Plan provisions apply to this document.

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP’s property in the implementing partner’s custody, rests with the implementing partner.

The implementing partner shall:

a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;

b) assume all risks and liabilities related to the implementing partner’s security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999).

The list can be accessed via http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.”
## PART X: ANNEXES

### ANNEX A: RISK LOG

**Project Title:** Support Project for Implementation of Legal Sector Master Plan  
**Award ID:** 00075028  
**Date:** 15 October 2013

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Date Identified</th>
<th>Type</th>
<th>Impact &amp; Probability</th>
<th>Countermeasures / Mngt response</th>
<th>Owner</th>
<th>Submitted, updated by</th>
<th>Last Update</th>
<th>Status</th>
</tr>
</thead>
</table>
| 1  | Lack of political commitment. During formulation. | Political - Political will. | May hinder delivery of planned outputs/outcomes.  
**Probability (P) = 1**  
**Impact (I) = 4**  
**Global Risk Indicator (GRI) = Pxl = 4** | Every effort has been made to align the Project with institutional and political priorities; in particular, the LSMP. Strong support and ownership of the process by the relevant agencies, as well as endorsement of the LSMP and effective establishment of its co-ordination mechanism, should ensure the backing of all relevant institutions and personnel. The Project Board will be responsible for monitoring and ensuring that necessary support is maintained. | Project Board          | UNDP                  | July 2013                           |
2. Project activities are not fully implemented due to lack of resources. It is possible that this SPLSMP will be launched without all donors’ contribution confirmed. 

<table>
<thead>
<tr>
<th>During formulation</th>
<th>Financial - Funding - Institutional/ execution capacity.</th>
<th>May prevent full implementation of certain activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>( P = 2 ) ( I = 4 ) ( GRI = 8 )</td>
</tr>
</tbody>
</table>

While it is anticipated that the necessary funds will be secured before the Project commences, relevant stakeholders need to take into account the possibility of starting the SPLSMP smaller in the beginning. In the worst-case scenario, the SPLSMP will be scaled down accordingly by reducing the scope of the project and the number of staff posts (including the CTA post), in consultation with the Government and other stakeholders.

As of September 2013, we had the first informal discussion with the LSMP Secretariat to prepare a downsized version of the SPLSMP in case not all the planned funds are secured.

Implementing partners must also commit resources, in particular personnel - the Project start must be premised upon such a commitment.

The Government of France has agreed to continue their technical support in the form of a seconded technical advisor to UNDP. We are in the process of recruiting the current TA’s successor who could possibly serve as the only TA for the project if it is downsized.
<table>
<thead>
<tr>
<th></th>
<th>Delays in implementing some activities due to the complexity of the SPSLMP.</th>
<th>During formulation.</th>
<th>Organisational - Implementation arrangements.</th>
<th>May prevent the implementation of all planned activities. It could also extend the cycle of the Project beyond its scheduled date, with cost implications.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Project Board, Secretariat, and implementing agencies will strive to plan, start and keep activities on time.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\[ P = 2 \]
\[ I = 2 \]
\[ GRI = 4 \]

<table>
<thead>
<tr>
<th></th>
<th>Lack of co-ordination between LSMP agencies, as well as with other stakeholders, and donors.</th>
<th>During formulation.</th>
<th>Strategic - Stakeholder relations.</th>
<th>Would reduce the synergy and consistency between reform efforts/activities and might also result in duplicated or conflicted activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Effective establishment of the LSMP co-ordination mechanism, as well as early/thorough mapping of sector activities, should ensure proper co-ordination. UNDP and other donors should also ensure (streamlined) co-ordination amongst themselves, as well as with the LSMP mechanism and legal sector agencies.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\[ P = 3 \]
\[ I = 2 \]
\[ GRI = 6 \]

<table>
<thead>
<tr>
<th></th>
<th>UNDP</th>
<th>July 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Project Board, Secretariat</td>
<td>UNDP</td>
</tr>
</tbody>
</table>
| 5 | Complexity of LSMP and its reforms. | During formulation | Political - Organisational - Institutional/execution capacity. | May affect the understanding of, and resulting commitment to, the Project and decrease the likelihood of full or effective implementation of activities/reform and achievement of outputs/outcomes.  
\[
P = 2 \quad I = 2 \quad \text{GRI} = 4
\] | Efforts will be made to communicate LSMP objectives clearly and comprehensively to all relevant stakeholders and partners. Careful planning, management, and coordination of activities and programming will also reduce the probability of confusion or implementation ‘drift’. | Project Board, Secretariat | UNDP | July 2013 |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Lack of public engagement and participation.</td>
<td>During formulation</td>
<td>Political - Stakeholder relations.</td>
<td>Lack of public understanding and support of activities/reforms, as well as a failure to link them to the reality ‘on the ground’, will decrease the likelihood that they will be</td>
<td>The Project will emphasise effective communication of its objectives, as well as the broader objectives and benefits of LSMP implementation, to the public, court their participation, and ensure that the focus of activities is on improving access to the justice system and exercise of rights. The Project Board, Implementing Partners, and Secretariat will strive to consult and involve the public, particularly civil society and private sector representatives, in Project activities.</td>
<td>IPs, Secretariat</td>
<td>UNDP</td>
</tr>
<tr>
<td>7</td>
<td>Lack of absorptive capacity of national institutions and officials.</td>
<td>During formulation.</td>
<td>Organisational - Institutional/execution capacity.</td>
<td>May hinder achievement of planned project outputs/outcomes.</td>
<td>The Project will stress the building of capacity, both for specific reforms but also for planning and implementing reform in general. It will also try to enhance institutional and individual motivation, including the building of professionalism and ethics. Together with UNDP, the LSMP Secretariat will closely monitor the delivery status of each Output to ensure that it is on track to implement all planned activities in the work plans.</td>
<td>Project Board, IPs, Secretariat</td>
<td>UNDP</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Difficulties in recruitment of high-quality Secretariat/Implementation Support Project staff, as well as short-term international and national consultants</td>
<td>During formulation.</td>
<td>Financial - Funding (financial resources) - Human resource capacity.</td>
<td>The unavailability of suitable staff or consultants may undermine the timely and effective implementation of activities.</td>
<td>All options will be explored to facilitate the recruitment of the best quality staff and consultants, including drawing upon the expertise of donors and UN agencies, and advance identification of recruitment requirements and wide and targeted dissemination of vacancy announcements. Under Sub-Output 6.2, the Government of France agreed to provide technical support in the form of short-term consultancy. This facility should be used effectively and strategically in case we face difficulty</td>
<td>Project Board, IPs, Secretariat</td>
<td>UNDP</td>
</tr>
<tr>
<td>GRI</td>
<td>Insufficient human resources at the LSMP Secretariat</td>
<td>During formulation.</td>
<td>Organizational</td>
<td>Securing the international posts for 2 years may affect the timely and effective implementation of activities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------</td>
<td>---------------------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>3</td>
<td>Recruiting high-quality consultants in a regular way.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>These international staff need to provide regular training on the management and implementation mechanism for the Secretariat focal points and other relevant government officials, taking into account the sustainanability aspect.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Resource mobilization efforts need to be further pursued in order to fill the funding gap to secure these international posts for the whole project duration.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P = 3</td>
<td>I = 3</td>
<td>GRI = 9</td>
<td></td>
<td>IPs, Secretariat</td>
<td>UNDP</td>
<td>July 2013</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GRI</th>
<th>Reforms produced by Project activities are not sustainable.</th>
<th>During formulation.</th>
<th>Political - Organisational - Financial.</th>
<th>Would undermine or potentially negate the achievement of Project outcomes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>3</td>
<td>Caring activity planning, including the establishment of clear baselines and problem identification, as well as co-ordination and integration of outputs should produce reforms that are responsive to the context, integrated and resourced, understood, and accepted. Engagement of a broad spectrum of stakeholders in reform process and specific activities will also be sought. Knowledge and human resource transfer to the Government/LSMP coordination mechanism.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Careful activity planning, including the establishment of clear baselines and problem identification, as well as co-ordination and integration of outputs should produce reforms that are responsive to the context, integrated and resourced, understood, and accepted. Engagement of a broad spectrum of stakeholders in reform process and specific activities will also be sought. Knowledge and human resource transfer to the Government/LSMP coordination mechanism.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P = 2</td>
<td>I = 3</td>
<td>GRI = 6</td>
<td></td>
<td>Project Board, Secretariat</td>
</tr>
</tbody>
</table>
|   | Reforms instituted are partial or ad hoc. | During formulation. | Organisational - Institutional/ execution capacity - Financial. | Would reduce the overall impact of Project activities and, potentially, the achievement of outputs/outcomes.  
\[ P = 3 \]  
\[ I = 3 \]  
\[ GRI = 9 \] | Careful and comprehensive activity planning and programming, including assessment of conditions and development of reforms, as well as considered sequencing and prioritisation of activities should generate more systemic change. Project will foster demand for change from the bottom up. | Project Board, IPs, Secretariat | UNDP | July 2013 |
|---|---|---|---|---|---|---|---|---|
|   | Inappropriateness of selected methodologies, processes, or technologies. | During formulation. | Operation - Human error/ incompetence. | May impact on results and/or the sustainability of results.  
\[ P = 1 \]  
\[ I = 4 \]  
\[ GRI = 4 \] | Thorough planning, including identification of needs, establishment of baselines, and assessment and development of responses (e.g., feasibility studies), as well pilot tests, will be carried out before adoption of new methodologies or processes or procurement is carried out. | IPs, Secretariat | UNDP | July 2013 |
<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 13 | Diverging views between legal sector agencies regarding their respective roles and responsibilities. | During formulation. | Strategic - Competition. | May hinder delivery of planned project outputs/outcomes.  
P = 1  
I = 3  
GRI = 3 | Close co-ordination between agencies - and establishment and comprehension of clear LSMP/Implementation Support Project objectives, as well as the relationship between the objectives and planned activities, by those agencies. Thorough study, preparation, and consensus-building before any restructuring or realignment of roles and responsibilities is undertaken. | Project Board, IPs, Secretariat | UNDP |   |
| 14 | Unexpected changes in Government policy or priorities. | During formulation. | Organisational - Institutional arrangements. | May hinder delivery of planned project outputs/outcomes.  
P = 1  
I = 4  
GRI = 4 | Flexible programming, adapting to changed or new developments or priorities. Adoption of the LSMP will also ‘lock in’ underlying Project policy and priorities. | Project Board | UNDP | July 2013 |
| 15 | Slow decision-making on new priorities or policy choices. | During formulation. | Organisational - Implementation arrangements. | May delay implementation of planned activities, thus impacting upon delivery of planned project outputs/outcomes.  
P = 1  
I = 3 | Careful advance planning and commitment of involved agencies, as well as delegation of day-to-day management to an effective PST/Secretariat. Project Board will strive to ensure that implementing agencies adhere to timelines. | Project Board, Secretariat | UNDP | July 2013 |
| 16 | Uncertainty over establishment of a national judicial training institute | During formulation | Political Organizational Financial | May hinder achievements of some outputs and sub-outputs (mainly Sub-outputs 2.3, 3.1, and 3.2) | Regardless of the level (whether it’s a PM decree or Minister’s Decision), some legal basis should be established in the initial stage of the project implementation. If that doesn’t happen, planned deliverables such as the curriculum and training materials should be utilized at each training institute for the initial training. |
| 17 | Willingness of Gov’t to measure all indicators included at output level | During formulation | Political, Organizational | May hinder the project team from properly measuring the results of the Project | By the Government endorsing this project document, we should work under the assumption that the Government has also endorsed all indicators included in the results framework. If the Project faces any difficulty measuring some of the indicators, it should leave enough room for flexibility in case it needs to change the scope of the indicators to some extent. |
ANNEX B: TERMS OF REFERENCE

TERMS OF REFERENCE
LSMP Project BOARD

Overall responsibilities: The LSMP Project Board is ultimately responsible for ensuring that the implementation of the Legal Sector Master Plan itself is on track to achieve its goal by 2020, but primarily for making sure that the Support Project for Implementation of the Legal Sector Master Plan (SPLSMP) remains on course to deliver the desired results. As much as the Board will strive to coordinate with other donor-funded projects and programmes, its main responsibility lies with overseeing the effective implementation of the SPLSMP. The LSMP Project Board is responsible for making, by consensus, management decisions for the project:

- at designated decision points during the implementation of the Project (see specific responsibilities below);
- when guidance is required by the SPLSMP Project Manager and other relevant officials; and,
- when tolerances (normally in terms of time and budget) have been exceeded

The LSMP Project Board reviews and approves the annual work plans (AWP) and authorizes any major deviation from these plans. It ensures that the required resources are available, arbitrates on any conflicts within the project and negotiates a solution to any problems between the project and external bodies. In addition, it approves the appointment and responsibilities of the Head of the LSMP Secretariat and Pillar Focal Points. It may also decide to delegate its Project Assurance responsibilities to a staff of UNDP and/or the Implementing Partner.

In addition to such responsibilities, the Board may act as a decision-making body for the French Project as stipulated in the Financing Agreement signed between the Governments of Lao PDR and France. This decision should be made at the first Board Meeting.

Composition and organization:

The Executive is Chairperson of the LSMP Project Board, and is ultimately responsible to the LSMP Project Board. He/she has to ensure that the implementation of the Legal Sector Master Plan as well as the SPLSMP remains focused on achieving its objectives and is cost effective.

At the initial stage, the representatives of the Development Partners as Senior Suppliers to the Board are expected to be UNDP, EU, France, and others. Additional Development Partners may become members of the Project Board upon decision of the Project Board provided that they are providing substantial resources and/or technical expertise to the SPLSMP. Development Partners’ primary function within the Board is to provide guidance regarding the technical feasibility and ensuring effective use of resources by the legal sector and SPLSMP. They are accountable for the quality of the resources (funding or technical assistance) provided to the legal sector and Project by the suppliers.

The representatives of the Senior Beneficiaries will be: MoJ, PSC, OSPP, MPS, and MoFA, as well as as a member of the NGPAR Programme Board and a representative from the NA. The Senior Beneficiaries represent the collective interests of those who will ultimately benefit from the Project. They monitor the accomplishments and outputs of the Project against the agreed requirements.

In addition, other partners may attend the meetings of the LSMP Support Project as observers, which will be confirmed/determined at the first Board Meeting.
Specific responsibilities:

For the SPLSMP

When the Project is initiated:

- Agree on the responsibilities of the LSMP Secretariat, including Secretariat staff such as Project Manager (Head of the Secretariat) and Pillar Focal Points, etc.;
- Agree on the composition of the Board (including whether it is going to act as a decision-making body for the French Project);
- Delegate any Project Assurance function as appropriate; and
- Review and appraise detailed Pillar Project Plans and AWP, including various logs and the monitoring and communication plan.
- Report to the National Leading Committee on Governance on establishment of the Project

During the implementation of the Project:

- Provide overall guidance and strategic direction for the Project;
- Address project issues as raised by the SPLSMP Project Manager and Pillar Focal Points;
- Approve and advise on any major deviations from the original results framework;
- Provide guidance and agree on possible management actions to address specific risks;
- Agree on National Project Manager and Project Focal Points’ tolerances within the AWP;
- Decisions by consensus are essential to reflect the joint accountability of the Government, UNDP, and EU in accordance with the Project Document and applicable regulations, rules, policies and procedures;
- Conduct regular meetings as it may deem appropriate (e.g. to review the different Project Quarterly Progress Report and provide direction and recommendations to ensure that the agreed deliverables are produced satisfactorily according to plans; to review Combined Delivery Reports (CDR) prior to certification by the Implementing Partner);
- Appraise the Project Annual Review Report, make recommendations for the next AWP;
- Provide ad-hoc direction and advice for exception situations when tolerances are exceeded;
- Assess and decide on project changes through revisions.

When the Project is being closed:

- Assure that all Project deliverables have been produced satisfactorily;
- Review and approve the Final Project Review Report, including Lessons-learned;
- Make recommendations for follow-on actions;
- Commission Project evaluation if it is required;
- Notify operational completion of the Project.
- Give guidance to the next step if required

For the Overall Implementation of the LSMP

- Provide the overall guidance and direction to the implementation of the Legal Sector Master Plan in the areas outside the Project’s intervention;
- Address challenges and issues raised by members of the Board in such areas;
- Seek synergy and increased coordination among various projects/programmes supported by development partners.
• Provide guidance and agree on possible management actions to address specific risks
• Give recommendations for intervention in such areas

Meetings:

The LSMP Project Board meets:

• On a semi-annual basis to review and approve the regular Project reports and next year’s work plan (annual reviews and board meetings may be combined provided that they are scheduled towards the end or beginning of the year.
• At any other time a meeting is requested by one of its members, the LSMP NPM or other relevant officials, or the Project Assurance because guidance is required, tolerances have been exceeded, or a particular issue or risk requires the intervention of the Project Board.
# Technical Specialist

## I. Job Title: Technical Specialist (P-4)

<table>
<thead>
<tr>
<th>Organizational Unit:</th>
<th>UNDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty Station (city, country)</td>
<td>Lao PDR</td>
</tr>
<tr>
<td>Type of contract:</td>
<td>Fixed Term</td>
</tr>
<tr>
<td>Languages Required:</td>
<td>English</td>
</tr>
<tr>
<td>Starting date:</td>
<td>As soon as possible</td>
</tr>
<tr>
<td>Application Deadline:</td>
<td>July 2013</td>
</tr>
<tr>
<td>Expected Duration of Assignment:</td>
<td>1 year, renewable depending on satisfactory performance and funding availability</td>
</tr>
</tbody>
</table>

## II. Background:

The Government of Lao PDR places high priority on establishing the rule of law state to support the socioeconomic transition of the country. Accordingly, since 2003 the Government has declared that it will strive: “to develop a coherent, credible and predictable legal framework established in a transparent and participatory manner”. To help achieve this objective, it adopted the Legal Sector Master Plan (LSMP) in September 2009. The LSMP establishes the framework for developing effective institutions in the entire legal sector of the country as the foundation for the rule of law.

The LSMP is in fact the culmination of intensive work and consultation carried out by teams of national legal experts. It is a comprehensive statement of the current needs of the Lao legal system, provides a series of guiding principles for developing a rule of law state, enhancing access to justice and enabling legal empowerment, and indicates an action plan to help achieve these goals. The LSMP represents the highest level - and most pragmatic - commitment to the rule of law since the 1991 Constitution and is the country’s first legal sector planning to be directed from the highest policy-making level. The LSMP pursues co-ordinated legal and justice system development and is based upon four central ‘pillars’ of the system:

- **Pillar 1:** A coherent framework of laws, decrees and regulations;
- **Pillar 2:** Institutional strengthening of legal and judicial institutions to implement legislation and enforce judgments;
- **Pillar 3:** Human resources capacity development in the legal and judicial sector; and
- **Pillar 4:** The means for ensuring that all laws and regulations are accessible to both state agencies and citizens.

UNDP is planning to launch a Support Project to the LSMP (SPLSMP) Implementation 2013-2016 which will be the first to support implementation of the legal reform in Lao PDR in a holistic way: involving all the main stakeholders and DPs, coordinating activities and initiatives throughout the sector to create change in a phased and cumulative manner.
Through its support to the LSMP, the proposed SPLSMP will seek to achieve synergy and impact by coordinated and concerted effort across the legal sector. It will seek to streamline and improve efficiency of legal and judicial technical assistance administration by drawing together under the LSMP framework various donors and agencies, as well previously ad hoc reform initiatives, thereby giving substance to the principles set out in the Vientiane Declaration.

The proposed SPLSMP will deliver 6 key outputs:

1. Enhanced capacity, procedures, and standards for legislative development and implementation in Lao PDR (implemented by MoJ)
2. Improved mechanisms for effective legal institutions and systems at national and local levels (implemented by OSPP)
3. Improved capacities of human resources in the legal and judicial sector (implemented by MoJ)
4. Increased public understanding of legal rights and information, and increased participation in the legal system (implemented by MoJ)
5. Continued ratification of key international conventions and norms, and enhanced implementation, enforcement, monitoring, and reporting under international legal instruments accepted by Lao PDR (implemented by MoFA)
6. Enhanced capacity of the Secretariat to coordinate and implement the LSMP (implemented by MoJ)

Given that the LSMP is a significant undertaking that covers a comprehensive reform for the entire legal sector and LSMP implementation is both complex and demanding with important implications for the rule of law in Lao PDR, and in light of the complexity and the very wide range of anticipated activities, this calls for highly experienced technical advisors in the legal/governance field.

The Technical Specialist (TS) will provide strategic, advisory and technical support for overall management of the SPLSMP, covering substantive and coordination matters. The TS will also be responsible for providing policy and technical advice, as well as implementation support, for specific interventions under the proposed SPLSMP, and providing support to leverage emerging opportunities to expand and strengthen the SPLSMP.

It is to be noted that the Government of France will be contributing to the proposed SPLSMP by seconding a technical advisor (French TA) to UNDP, who has been with the legal team since January 2012. Under the new proposed Support Project, this French TA will mainly focus his/her work on Pillar 3 of the LSMP (Output 3 of the Support Project) and possibly Output 2 (exact areas to be determined). Sub-output 3.2 (local justice) will be a shared responsibility between the proposed post and a French TA.

### III. Description of Duties and Responsibilities:

#### Duties and Responsibilities:

Under the direct supervision of the Head of the Secretariat (National Project Director) and overall supervision of the UNDP Head of Governance Unit, the Technical Specialist will take on the following duties and responsibilities:

#### With Respect to technical and policy advice on rule of law-related issues

- Provide technical inputs and advice to the Project on a wide range of issues for the legal sector reform as well as subjects directly related to the outputs of the SPLSMP, and more generally in areas of legal reform activity
- Advise senior government officials from relevant agencies on rule of law-related issues and support the government in the development of policy papers on rule of law-related matters and technical-legal documents as required
- Advise the government on the design and implementation of the SPLSMP, and on its linkages with the other major programs of the Governance Sector as well as the National Socio-Economic Development Plan
- Advise the government on identifying and designing projects and initiatives related to legal sector reform; and to facilitate the national, regional and international transfer of know-how and experiences in these subject areas
- Assist the government in designing systems for information-sharing/knowledge management in the legal and judicial sector, expanding experiences, lessons learned and addressing policy issues related to legal sector reform throughout the Government system
- Identify and establish relations with national and international networks that could provide technical and advisory support to efficient and effective Project implementation
- Provide other such advice and support as may be required by the Government and the UNDP as is to be expected in a dynamic process of legal reform

With Respect to overall SPLSMP Project Support and Management

- Advise the government on methodologies and practices associated with program management and support the National Project Director (NPD) in project/program monitoring, reporting and evaluation (in particular advise NPD and UNDP on revisions to the work plan and budget plan, based on the operational and strategic appreciation of Project implementation under given conditions, review project resource requirements and provide advice to the NPD on the need for budget adjustments and revision)
- Advise the relevant parties to develop an annual work plan and a corresponding budget plan with clearly stated milestones contributing to the achievement of target outputs defined in the SPLSMP Document and obtaining approval from the Project Board.
- Advise the Secretariat, Pillars and ministries/agencies on the legal content of proposed activities on a regular basis
- Support regular ongoing communication and information-sharing with the National Project Director and Project Board members, other technical advisors, Project Coordinator and Head of Pillars, in order to advise on the activity of project staff, and on-going involvement in donor relations
- Advise the Project Board in preparation for conducting tripartite reviews, annual Project reviews, annual audits, mid-term evaluation and final evaluation of the Project
- Mobilize competent national and international experts that are needed by the beneficiaries of the projects, following the agenda and activities that are supported by the projects.
- Support Secretariat staff to consolidate and synchronize proposals of Project beneficiaries with Project annual work plan and targets, providing advice on the appropriateness, as well as timeliness, of these proposals according to established targets and timeframes.
- Support Secretariat staff to prepare Terms of Reference (TORs) for required inputs (individual and institutional consultancy services, procurement of goods, organization of training sessions, seminars, etc.), with expert technical support as required.
- Liaise with all consultants to ensure that the planned deliverables are completed in a timely manner
- Support and be involved in organizing and facilitating project meetings, workshops etc. and substantive inputs
- Work closely with the SPLSMP Programme Specialist in overseeing the implementation of the whole Project
- Support the government in the development and maintenance of project annual and quarterly work-plans, budgeting, resource allocation, workload management, and performance assessment under the LSMP framework
- Support Secretariat staff to develop quarterly work plans and expenditure plans for the overall SPLSMP based on the agreed annual work plan
- Provide technical inputs to the Project Coordinator in preparation of progress reports
- Liaise with the Implementing Agency and UNDP on the conduct of Project evaluation and ensure access by the evaluators to Project documentation, personnel and institutions involved in the Project
- Evaluate all training activities and workshops carried out by various agencies under the Project, feeding into the progress reports
- Support the establishment and maintenance of a systematic filing system of key documents (in hard copy or soft copy) in line with audit requirements.
- Support the UNDP Programme Officer in closing projects operationally in accordance of rules and regulations of UNDP and in close coordination with implementing agencies.
- Assist LSMP Secretariat to confirm and attest to the timeliness of submission and the quality of goods and services procured for the Project.

With Respect to donor coordination and resource mobilization

- Support the government and the UNDP in the functions of donor coordination in the legal sector (particularly give guidance to the Legal and Institutional Oversight Sub-Sector Working Group and also the LSMP Aid Coordination Forum), coordination of legal-reform related donor funded projects, and the mobilization of
additional donor funding to the legal sector (developing and implementing a resource mobilization strategy), as well as provide briefings to development partners when required
- Advise and brief the UNDP on specific issues and projects that relevant agencies are involved in

**Specific Duties and Responsibilities with respect to Specific Technical SPLSMP interventions**

- Advise the government and the relevant Heads of LSMP Pillar on the design and implementation approaches to the following specific components of the SPLSMP:
  
  **Output 1:** Enhanced capacity, procedures, and standards for legislative development and implementation in Lao PDR  
  **Output 2:** Improved mechanism for effective legal institutions and systems at national and local levels (it is possible that the French TA also coordinate related activities under this Output)  
  **Sub-output 2.4:** Improved local justice system in selected “pilot villages and districts” under the Prime Minister’s Order 16 (it will be a shared responsibility with the French Technical Advisor)  
  **Output 4:** Increased public understanding of legal rights and information, and increased participation in the legal system  
  **Output 5:** Support provided to ratification of key international conventions and enhanced implementation, enforcement, monitoring, and reporting under international legal instruments accepted by Lao PDR (in close coordination with an International Law Specialist)  
  **Output 6:** Enhanced capacity of the Secretariat to coordinate and implement the LSMP

- Ensure close coordination with the French TA for the Output 2 and Output 3 of the SPLSMP (and in case of interim or absence, as and when needed, fully substitute the French TA to oversee the implementation of these two outputs)

### IV. Competencies

<table>
<thead>
<tr>
<th>Corporate Competencies:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Demonstrates commitment to UNDP’s mission, vision and values</td>
</tr>
<tr>
<td>- Demonstrates integrity by respecting the GoL’s vision, values and ethical standards</td>
</tr>
<tr>
<td>- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability</td>
</tr>
<tr>
<td>- Treats all people fairly without favoritism</td>
</tr>
<tr>
<td>- Projects a confident leadership style that encourages team spirit and cooperation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Functional Competencies:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development and Operational Effectiveness</strong></td>
</tr>
<tr>
<td>- Ability to lead strategic planning and results-based management of legal reform plans, as well as the implementation and monitoring of reform roll out</td>
</tr>
<tr>
<td>- Conceptual and operational ability to support large scale sector wide reform</td>
</tr>
<tr>
<td>- Able to formulate and manage budgets, across multiple projects and components</td>
</tr>
<tr>
<td>- Can design and implement new systems in the government</td>
</tr>
<tr>
<td>- Creativity, flexibility and pro-activeness in a challenging work environment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Management and Leadership</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Ability to coordinate effectively and demonstrated conflict resolution skills</td>
</tr>
<tr>
<td>- Consistently approaches work with energy and a positive, constructive attitude</td>
</tr>
<tr>
<td>- Demonstrates strong oral and written communication skills</td>
</tr>
<tr>
<td>- Builds strong relationships with clients, partners and external actors</td>
</tr>
<tr>
<td>- Remains calm, in control and good humoured even under pressure</td>
</tr>
<tr>
<td>- Displays openness to change and ability to manage complexities</td>
</tr>
</tbody>
</table>

| **Partnering and Networking:** |
- Seeks and applies knowledge, information, and best practices from the region
- Demonstrated networking capabilities in working with government and partners
- Ability to manage and coordinate large scale multi-stakeholder projects and activities

**Knowledge Management and Learning:**
- Promotes knowledge management in the Project setting and among counterparts
- Ensures that the Project leadership is well briefed and aware of requirements
- Actively pursues personal learning and facilitates development of colleagues

### V. Qualifications

<table>
<thead>
<tr>
<th><strong>Education:</strong></th>
<th>A minimum of Master’s Degree or equivalent in law or development studies with a focus on governance, or related fields</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Qualifications and Experience:</strong></td>
<td>The Technical Specialist is an experienced professional with a demonstrated track record in providing sound policy advice, strategic planning and organizational guidance in relations to rule of law-related and legal/judicial issues in the context of development assistance. S/he has extensive experience in the legal sector understanding the complex inter-related nature of justice and legal sectors, and institutional strengthening. S/he has excellent interpersonal skills and is able to negotiate with diplomacy and tact. S/he has excellent written English and capacity to provide high quality reports in a professional and timely manner. Therefore s/he is expected to have:</td>
</tr>
<tr>
<td></td>
<td>- At minimum of 7 years of solid relevant practical experience at the national or international level in governance and legal reform areas, minimum 4 years of which involved project management</td>
</tr>
<tr>
<td></td>
<td>- Extensive experience with comprehensive legal reforms at the national and local levels and strong understanding of the requirements of effective legal sector reform, particularly in transitional economies</td>
</tr>
<tr>
<td></td>
<td>- Strong background in a wide range of legal issues related to the Support Project</td>
</tr>
<tr>
<td></td>
<td>- Proven experience in program and project management, in providing management advisory services, hands-on experience in design, monitoring and evaluation of development projects.</td>
</tr>
<tr>
<td></td>
<td>- Familiarity with the legal and judicial sector of Lao PDR or similar programs in the region strongly preferred</td>
</tr>
<tr>
<td></td>
<td>- Demonstrated substantive capacity to deal with and advise senior government officials</td>
</tr>
<tr>
<td></td>
<td>- Experience with the usage of computers and standard office software packages.</td>
</tr>
<tr>
<td></td>
<td>- Results oriented, strong team player</td>
</tr>
<tr>
<td></td>
<td>- Sound judgment, flexibility and adaptability, cultural sensitivity</td>
</tr>
<tr>
<td></td>
<td>- Familiarity of UNDP system, rules and procedures an advantage.</td>
</tr>
<tr>
<td></td>
<td>- Extensive experience in project coordination an asset</td>
</tr>
<tr>
<td><strong>Language Requirements:</strong></td>
<td>- Excellent command of the English language, with excellent written and oral communication skills.</td>
</tr>
<tr>
<td></td>
<td>- Knowledge of or familiarity with the Lao language would be an advantage.</td>
</tr>
</tbody>
</table>
TERMS OF REFERENCE
NATIONAL PROJECT MANAGER

Overall responsibilities: The NPM has the authority to run the Project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Group. The NPM is responsible for day-to-day management and decision-making for the Project and is accountable to the LSMP Project Board. The NPM’s prime responsibility is to ensure that the Project produces the results specified in the Annual Work Plan, to the required standard of quality and within the specified constraints of time and cost.

The Project Board appoints a NPM, who should also serve as the Head of the Secretariat. The Project Developer role is the UNDP staff member responsible for Project management functions during formulation until the NPM from the Implementing Partner is in place.

Specific responsibilities would include:

Overall Project management:

- Approving quarterly work plans and budget plans
- Manage the production of the required deliverables
- Be responsible for day-to-day implementation of the Support Project, including the implementation of the Communications Strategy
- Support and work with all international and national staff working for the Support Project
- Direct and motivate the Project team
- Liaise with the International Senior Technical Advisor (STA) and LSMP Coordination Officer/Specialist on day-to-day implementation of the Support Project
- Liaise with the Project Board or its appointed Project Assurance roles to assure the overall direction and integrity of the Project
- Agree on technical and quality strategy with appropriate members of the Project Executive Group
- Identify and obtain any support and advice required for the management, planning and control of the Project
- Be responsible for Project administration
- Liaise with any suppliers
- Coordinate a resource mobilization strategy
- May also perform Team Manager and Project Support roles/Head Project Support Team (PST)
- Coordinate with donors and other development partners

Project planning:

- Produce the Project Initiation Document
- Prepare Project, Stage and, if necessary, Exception Plans in conjunction with Pillar Project Managers and appointed Project Assurance roles and agree them with the Project Board

Project monitoring:

- Plan and monitor the Project
- Manage the risks, including the development of contingency plans

31 Head of LSMP Secretariat.
- Take responsibility for overall progress and use of resources and initiate corrective action where necessary
- Be responsible for change control and any required configuration management

Project reporting:

- Prepare and report to the Project Executive Group through annual/quarterly progress reports, terminal report, and other relevant reports
- Prepare and report to the National Leading Committee on Governance
- Prepare the Lessons-Learned Report
- Prepare any Follow-on Action Recommendations required
TERMS OF REFERENCE
Project Coordinator

Reporting to the Head of the Secretariat (National Project Manager), the Project Coordinator will support Pillar Focal Points (seconded by the Government) and oversee the implementation of particular outputs articulated under the LSMP Implementation Support Project. Together with the Focal Points, the Project Coordinator is responsible for all matters concerning the timely delivery of outputs on behalf of the Project Board.

Duties and Responsibilities:

Under the guidance and direct supervision of the Head of the Secretariat, the incumbent shall:

- Assist the Pillar Focal Points in overseeing the implementation of outputs specified under the Support Project
- Assist the relevant ministries and agencies in preparing their work plans
- Assist the ministries and agencies in the actual implementation of planned activities
- Once ministries’ work plans are submitted, screen and analyze ministries’ work plans
- Based on these work plans, assist each Pillar in drafting pillar annual/quarterly work plans, budgets, procurement plans, progress reports, and other required documents in close consultation with the Pillar Focal Points
- Translate relevant documents and reports between Lao and English
- Assist the LSMP Programme Specialist to ensure the timely implementation of the overall Support Project
- Serve as secretary to the Pillar Committee and Working Groups
- Prepare for and organize quarterly pillar coordination meetings
- Participate in processes of selection, recruitment and performance management of consultants and support staff related to the Pillars
- Provide operational management of the production of outputs, in line with the Project Document and in compliance with the procedures in the NIM manual
- Ensure close co-ordination of the Pillar activities with activities of other Pillars
- Report to the LSMP Secretariat on a monthly basis (at the monthly meeting) on the progress and issues of activities
- Closely coordinate with working groups under each Pillar and possibly development partners if they are going to be involved in the working group
- Act as an interpreter when required
- Perform other duties as required

Qualifications and Experience:

- Master’s Degree in development studies, law, political or social sciences
- A minimum of 6-8 years of work experience in working in the field of legal sector development, and project/programme management and coordination
- Familiarity with government ministries and agencies (especially in the legal and judicial sector)
- Strong understanding of the Legal Sector Master Plan and the legal and judicial sector in Lao PDR, particularly with reference to the assigned areas of responsibility;
- High level capacity to work with, and support, other agencies to achieve results;
- Strong work planning and coordination ability;
- Strong technical knowledge and experience related to program management, governance and legal/judicial reform;
- Excellent English and Lao reading and legal interpretation, legal drafting and speaking skills;
- Well-developed English reading, writing and speaking skills; and
- Strong focus on results-based performance and ability to monitor performance.
- Experience working in a culturally diverse environment
TERMS OF REFERENCE
INTERNATIONAL Programme Assurance Specialist (P-3 for 2.5 years)

As a project assurance role, this post is expected to work on a wide range of deliverables to provide support for the implementation of the Support Project for implementation of the Legal Sector Master Plan (SPLMSP).

Under the guidance of the UNDP Assistant Resident Representative at the Governance Unit, the Programme Assurance Specialist analyses political, social and economic trends and leads formulation, management and evaluation of project activities within his/her portfolio.

In addition to such usual range of work as a project assurance role, the International Programme Assurance Specialist will provide overall coordination and management support for the Secretariat, pillars, working groups, development partners, and the Governance Sector Working Group mechanism. Also, together with the Technical Advisors, this post will assist Project Coordinator with all the reporting and planning requirements that each pillar needs to submit to the Secretariat.

As described earlier in the project document, a P-3 post is secured for 2.5 years. However, given the significance of this post in this Support Project, the Support Project may consider extending the duration of the P-3 post, depending upon the funding availability.

Duties and Responsibilities:

Support to implementation of the Legal Sector Master Plan requires a great deal of coordination with various stakeholders (such as LSMP core agencies, relevant ministries/agencies, development partners, civil society organizations, etc.). The International Programme Assurance Specialist will play a critical role in ensuring increased coordination among such actors in the legal sector, strengthening the capacity of the Secretariat, and providing guidance and support to Project Coordinator with monitoring and evaluation. Without this post effectively functioning, the Technical Advisors will suffer from having to take on the extra burden instead of being able to focus on the technical work.

This post will be also partly supported by the French Project which contributes to Outputs 2 and 3 under this Support Project. As such, it is expected that this post works quite closely with the Cooperation Department at the Embassy of France in Lao PDR.

Due to the nature of the post, it will include a wide range of responsibilities such as:

- Ensure sufficient coordination among various stakeholders at different levels (National Leading Committee on Governance, Project Board, Secretariat, Pillars, development partners, etc.)
- Monitor all AWP/Project-related activities, operations, and finance in close coordination with the Head of the Secretariat and Project Coordinator
- Work closely with Project Coordinator to ensure that quarterly pillar coordination is effective and productive and that pillar work plans are prepared in a timely manner
- Assist the Secretariat in:
  - Refining and finalizing the work plans, procurement plans, budgets, etc. and submitting them to development partners in a timely manner
  - Ensuring the overall execution of outputs according to the project document, annual work plans, and NIM guidelines
  - Recruiting staff and consultants for the Support Project
- Implementing Output 6 (development of information matrix, LSMP Communications Strategy, capacity development training, etc.)
- Managing the People’s Justice Fund under Output 4 and ensure implementation of accepted proposals
- Assessing activity proposals submitted by relevant ministries and agencies
- Organizing the Project Board Meetings (refine and finalize relevant documents to be submitted to the Board) and Annual Review Meetings
- Submitting relevant reports to the National Leading Committee on Governance
- Leading the monthly meetings

- Regularly train Secretariat members and government officials engaged in outputs on the project management and implementation mechanism, including the M&E mechanism and reporting
- Ensure that agreements with donors are fully complied with during the implementation period, including proper reporting for donors and timely request for financial installments
- Be responsible for all entries that need to be regularly made in Atlas (including risk/issues logs and relevant documents uploading)
- In close coordination with the Technical Advisor (seconded by the Government of France to UNDP Lao PDR), provide facilitation and coordination support for the Project funded by the Government of France
  - Monitor the implementation of the French Project
  - Assist the French TA in liaising with the Embassy of France, ENM, and ASF
  - Assist the Embassy of France in coordinating country visits by ENM officials, judges, prosecutors, and other legal professionals
  - Provide the Embassy of France with all relevant information when requested
- Ensure that audit and spot checks are conducted properly and that recommendations derived from them are followed up/implemented
- Coordinate and monitor activities planned under Output 4 of the Support Project (increased public understanding of legal rights and information, and increased participation in the legal system), and ensure that the LSMP Communications Strategy is effectively implemented, utilizing communications tools, methodologies and media. When necessary, provide some technical support for relevant officials at public information departments of implementing agencies.
- Ensure together with the Technical Specialist that such cross-cutting subjects as human rights, gender, and environment are mainstreamed into all sub-outputs articulated under the Project
- Assist the Head of the Secretariat with various reporting requirements in close coordination with the Technical Specialist
- Coordinate with the Governance Sector Working Group Secretariat in planning and implementing the GSWG annual work plan (especially with respect to the Legal and Institutional Oversight Sub-Sector Working Group-related initiatives)
- Provide programming updates/briefings to UNDP and other donors on a regular basis
- Support the Technical Advisor(s) and UNDP in formulating and implementing a resource mobilization strategy
- Support UNDP in formulating agreements with new donors
- Regularly liaise with a wide range of stakeholders including development partners and civil society organizations to ensure increased coordination in the legal sector and also avoid duplication of work; assist the Head of the Secretariat and Senior Technical Advisor in organizing the LSMP aid coordination forum under the LIO SSWG mechanism
- In close coordination with the Technical Specialist, provide guidance to Project Coordinator and Focal Points for drafting and finalizing different reports and logs, and implementing planned activities
- Perform other duties as required

**Qualifications and experience:**

- Master’s degree in development studies, law, political science, or related field
- A minimum of 5 years in working in the field of legal sector development, programme/project management and coordination, and communications
- Familiarity with the legal and judicial sector in Lao PDR and its strategy (Legal Sector Master Plan)
- Sound knowledge of UNDP rules and regulations (including NIM modality) as well as donor agreements
- Experience with coordination and communications (in relation to Outputs 4 & 6)
- High-level capacity to work with a wide range of stakeholders at different levels
- Strong inter-personal skills
- Strong planning and coordination ability
- Well-developed English reading, writing, and speaking skills
- Strong focus on results-based performance and ability to monitor performance.
- Experience working in a mixed cultural environment
- Familiarity with the Lao language an asset
TERMS OF REFERENCE
International Law Specialist (National)

The long-standing International Law Project officially ended its operations on May 31, 2013. As articulated in this project document, the International Law Project is expected to be fully integrated into the LSMP management and implementation structure, pursuing more synergy and increased coordination within the legal sector. Given this background, the International Law Specialist will play a central role in ensuring the implementation of the international law-related components under Output 5 of the SPLSMP and also providing support for other Outputs because of the cross-cutting nature of the international law components. The International Law Specialist is also expected to either be part of or work very closely with the LSMP Secretariat as the “pillar head” of Output 5.

Duties and Responsibilities:

In close coordination with the LSMP Secretariat and National Project Director and also under the guidance of the Department of Treaties and Law at the Ministry of Foreign Affairs, the incumbent shall:

- Be responsible for timely implementation of all planned activities under Output 5
- Be responsible for leading and guiding the team created under Output 5
- Contribute to further strengthening the capacity of the Ministry of Foreign Affairs (particularly the Department of Treaties and Law) by training the officials on international law-related subjects and transferring the knowledge to ensure sustainability
- Develop a strategy for international law-related components to remain relevant under the LSMP structure (clarify the strategic vision of international law-related effort in Lao PDR and its linkage to other components in the legal sector)
- Provide support for other Outputs when technical expertise related to international law is applicable and/or relevant
- Advise the Government, UNDP, and other stakeholders on international law-related issues
- Support the Government in developing policy papers on international law-related matters and technical legal documents as required.
- Mobilize competent national and international experts that are needed by the beneficiaries of the SPLSMP (mainly Output 5), following the agenda and activities that are supported by the Support Project
- Assist the Secretariat staff in preparing terms of reference (TORs) for required inputs (individual and institutional consultancy services, procurement of goods, organization of training sessions, etc.) under Output 5
- In coordination with the International Senior Technical Advisor, closely liaise with all consultants to ensure that the planned deliverables are completed in a timely manner
- Finalize quarterly and annual work plans for Output 5, including the indicative budget
- Finalize quarterly and annual progress reports
- Plan and monitor the overall progress of Output 5
- Manage any potential risks, including the development of contingency plans
- Ensure that the use of resources is conducted in accordance with the UNDP regulations and procedures
- Closely liaise with the National Project Director, International Senior Technical Advisor, and LSMP Coordination Officer/Specialist on day-to-day implementation of Output 5
- Closely liaise with the LSMP Secretariat (or act as a member of the LSMP Secretariat) and give timely reports and updates
- Assist the NPD and Secretariat in identifying future opportunities and implementing a resource mobilization strategy

Qualifications and experience:

- Master’s degree in law, development studies, political science, or related field
- A minimum of 7 years in working in the field of international law, legal sector development, and project management
- Familiarity with the legal and judicial sector in Lao PDR (especially the Ministry of Foreign Affairs) and its strategy (Legal Sector Master Plan)
- Experience in training government officials on international law-related issues
- High-level capacity to work with a wide range of stakeholders at different levels
- Strong inter-personal skills
- Strong planning and coordination ability
- Well-developed reading, writing, and speaking skills in both English and Lao
- Strong focus on results-based performance and ability to monitor performance.
- Experience working in a mixed cultural environment

Terms of Reference
International Law Officer (National)

Given the expected scale and complexity of Output 5, the International Law Office shall assist the International Law Specialist in ensuring the implementation of the international law-related components under Output 5 and also providing support for other Outputs. The International Law Officer is expected to either be part of or work very closely with the LSMP Secretariat as the focal point of Output 5.

Duties and Responsibilities:

Under the direct supervision of the International Law Specialist and in close coordination with the LSMP Secretariat and National Project Director, the incumbent shall:

- Assist the International Law Specialist with timely implementation of all planned activities under Output 5
- Be responsible for drafting all reports, logs, work plans, and other relevant documents required by the MOFA/DTL and donors including UNDP
- Liaise with the MOFA/DTL, donors, and other stakeholders for effective project implementation
- Closely coordinate with the LSMP Secretariat as Output 5 focal point
- Ensure day-to-day implementation of Output 5, closely monitoring the progress made in the output
- Assist the International Law Specialist in developing TORs for consultants and assist in coordinating with all consultancy-related work
- Take notes of all output-related meetings and assist the International Law Specialist in reporting on project activities
- Provide interpretation services for the SPLSMP-related activities (especially Output 5)
- Provide technical support when technical expertise related to international law is applicable and/or relevant
- Assist the International Law Specialist in advising the Government, UNDP, and other stakeholders on international law-related issues
- Train the LSMP Secretariat and other stakeholders on effective project implementation and management

Qualifications and Experience:

- Bachelor’s degree in law, development studies, political science, or related field
- A minimum of 5 years in working in the field of international law, legal sector development, and project management
- Familiarity with the legal and judicial sector in Lao PDR (especially with the Ministry of Foreign Affairs) and its strategy (Legal Sector Master Plan)
- Strong analytical skills and proven ability to work independently
- Well-developed reading, writing, and speaking skills in both English and Lao

TERMS OF REFERENCE
SPLSMP Project Assistant (National)

Given the scale of this Support Project, it requires assistance on a wide range of administrative issues. Reporting to the Head of the Secretariat (National Project Director), the SPLSMP Project Assistant will provide support for the LSMP Secretariat on such issues and for making logistical arrangements for various activities organized under the SPLSMP.

Duties and Responsibilities:

Under the guidance and direct supervision of the Head of the Secretariat, the incumbent shall:

- Assist the LSMP Secretariat and National Project Director in organizing and implementing activities planned under the SPLSMP, and ensure that all logistical arrangements are made properly
- Closely liaise with all stakeholders involved in such activities
- Assist the Secretariat and Project Coordinator in translating various documents
- Assist UNDP Programme Officers and Associates in any tasks required
- Closely work with Project Coordinator (act as a Project Coordinator in his/her absence)
- Closely work with the Financial Officer and Accountant in managing procurement of office supplies, materials, printing, and other services
- Assist the Secretariat in maintaining files and documents of all official correspondence, and draft and finalize minutes of meetings and workshops
- Facilitate logistical support for organizing workshops, conferences, and meetings
- Assist in communications to key stakeholders including ministries/agencies and donors

Qualifications and experience:

- Bachelor’s degree in development studies, law, political science, or related field
- Experience in working with development projects
- Familiarity with the legal and judicial sector in Lao PDR and its strategy (Legal Sector Master Plan) an asset
- High-level capacity to work with a wide range of stakeholders at different levels
- Strong inter-personal skills
- Strong planning and coordination ability
- Good time management skills
- Well-developed reading, writing, and speaking skills in both English and Lao
- Strong focus on results-based performance and ability to monitor performance.
- Experience working in a mixed cultural environment

TERMS OF REFERENCE
Senior Finance Officer (National)

The Senior Finance Officer will support the LSMP Secretariat as well as the Finance Offices of key ministries and agencies to execute the project finance management, and support the National Project Manager (Head of the Secretariat) in preparing annual/quarterly budgets and expenditure reports, as required by different development partners supporting the SP LSMP. This position will be largely responsible for all financial matters related to the Support Project and also support the relevant ministries and agencies in terms of their capacity development to take on a growing role in managing external assistance.

Duties and Responsibilities:

Under the guidance and direct supervision of the National Project Director (NPD), the incumbent shall:

- Take the lead in oversight of all project accounting activities including financial records, reporting, payments, and support for related project activities
- Transfer the finance-related knowledge to relevant staff at the finance offices of the core agencies through such means as mentoring and formal training
- Prepare annual and quarterly budget plans
- Carry out regular updating of financial system and records, and compilation of monthly, quarterly and annual budget expenditure reports
- Assist the relevant ministries and agencies in releasing field advances and petty cash funds in accordance with the NIM guidelines and other applicable financial procedures related to agreements with particular development partners
- Assist the ministries, agencies, and Secretariat in verifying payment, direct advance and contract request, and settling advances
- Follow up on reconciliation of direct payments executed by development partners, including UNDP
- Prepare reports for settling advances from development partners, and related advance requests
- Monitor and analyze project transactions in relation to approved budgets for budget revisions
- Advise the ministries, agencies, and Secretariat on acceptable and requisite accounting and financial management practices
- Assist the Secretariat in managing the People’s Justice Fund and closely follow up on the financial aspect of the Fund
- Ensure that recommendations, guidelines, and instructions from audit reports are complied with
- Prepare relevant reports for monthly Secretariat meetings
- Draft routine communication, photocopying, preparing and cataloguing documents, preparing workshop documentation, etc.
- Maintain office records and reference files on various subjects;
- Take notes at the meetings as required;
- Assist the Secretariat in arranging visas and other documentation required for international staff or visiting consultants;
- Provide logistical and financial support to mission and international consultants to the Project;
- Ensure Project equipment is maintained in good working order and recorded in the inventory;
- Maintain books for Project budget and account;
- Brief and assist Project staff and consultants on basic financial procedures and requirements with respect to payments, entitlements, banking, currency provision and other requirements related to account and finance;
- Monitor and inform National Project Manager on Project expenditures on a monthly basis;
- Prepare financial documentation to be sent to UNDP according to NEX/NIM rules and regulations;
- Perform monthly reconciliation of Bank statement, CDR and report Project expenditures.
- Liaise with the Project Assurance and ensure that all the financial reports are submitted in a timely manner and are fully in line with the requirements set by development partners.
- Perform other duties as required.

Qualifications and experience:

- Bachelor’s degree in finance, accounting or related areas;
- At least 8-10 years of work experience in project/programme finance management and development projects (work in the legal sector an advantage);
- Previous experience with the UN system
- Solid experience in creating technical reports
- Experience in training and skills transfer
- Familiarity with the government and legal sector an advantage;
- Knowledge of modern office procedures;
- Good communications and personal relationship skills; and
- Fluency in Lao and working-level English (spoken and written).

____________________________________________________________

TERMS OF REFERENCE

Accountant (National)

Reporting to the Senior Finance Officer, the LSMP Project Accountant will support the Secretariat as well as the Finance Offices of key ministries and agencies to perform routine accounting functions, and support the Senior Finance Officer in preparing annual & quarterly budgets and expenditure reports, as required by different development partners supporting the national GPAR Programme.

Duties and Responsibilities:

Under the guidance and direct supervision of the Senior Finance Officer, the incumbent shall:
- Carry out all routine financial transactions and preparation of related documents such as payment requests, vouchers and reconciliation related to the Support Project.
- Facilitate timely completion of accounting documents to enable regular updating of financial system and records, including monthly, quarterly and annual expenditure reports.
- Assist the Senior Finance Officer in preparing Project budget plans, quarterly advance requests, etc.
- Setting up an accounting system, including reporting forms and a filing system for the Project.
- Controlling expenditures, budget lines, bank transfers and other financial transactions.
- Prepare monthly bank reconciliation statements, including computation of interests gained to be included into reports.
- Maintain a proper inventory of Project assets and the inventory file to support purchases of all equipment/assets.
- Maintain filing of financial documents, responsible for planning and procurement of Project stationary and office supplies.
- Provide assistance to the organisation of Project events, including workshops, seminars, and meetings and undertaking other relevant matters assigned by the NPM and NPD.
- Carry out other relevant tasks as assigned by NPM and Senior Finance Officer.

Qualification and Experience:

- University degree in accounting, finance or a related field.
- Solid experience in budgeting, planning and reporting on foreign funded projects.
- Good secretarial skills and good organizational capacity.
- Knowledge in administrative and accounting procedures of the Government.
- Good English language skills, both spoken and written, are essential.
- Good computer skills in common word processing (MS Word), spreadsheet (MS Excel) and special accounting software.
- Good knowledge of computer-based accounting software is an advantage.

TERMS OF REFERENCE

Information, Communications and Technology (ICT) Officer (National)

The ICT Officer will report to the LSMP Coordination Officer to ensure fully operational information technology services for the SPLSMP and provide support for implementation of the “one-stop website” that will be established under the Project. This is a critical step to be taken in order to further improve people’s access to justice/information as well as the organizational and operational capacity of the core agencies.

This post will be also responsible for designing and updating the existing LSMP website, maintaining the IT management, as well as assisting the core agencies with their ICT needs.

Duties and Responsibilities:
- Provide technical support for implementation of LSMP Communication Strategy
- Advise the LSMP Secretariat on information and communications technology policies and procedures, and advise on the adaptation and maintenance of such systems and methodologies.
- Assist in establishing the “one-stop website” which would include all relevant legal information for a wide range of audience, and regularly maintain/update the website
- Integrate the Customary Law database into the “one-stop website”
- Regularly maintain and update the existing LSMP website
- Assist all the core agencies in computerizing their database (such as court decisions, case proceedings, etc.)
- Review the existing IT systems in all the core agencies and advise them in improving their IT environment
- Transfer the IT-related knowledge to relevant staff at the core agencies through such means as mentoring and formal training

**Qualification and Experience:**

The ICT Officer needs to be an experienced IT professional with a demonstrated track record in providing IT-related support and website development, design and management services and guidance to government ministries and agencies. The required qualifications and experience are as follows:

- Minimum of Bachelor’s Degree in Information Technology, Computer Science, or other related areas
- At least 5 years of relevant experience in the IT environment with experience in;
  - Information management and administrative systems
  - Website development and design
  - A wide range of software and hardware
  - Advising the government ministries and agencies
  - Installation of computer system networks
  - Provision of coaching and training
  - Dissemination of information
  - Fluency in English (in both writing and speaking)
  - Sound judgment, flexibility and adaptability, cultural sensitivity
  - Ability to adapt to diverse educational and cultural backgrounds
  - Ability to work under minimal supervision
DUTIES AND RESPONSIBILITIES:

Under the guidance and direct supervision of National Project Manager, the incumbent shall:

- Drive official vehicle for the transport of authorized personnel and delivery/collection of mail/documents and other items in a safe and timely manner.
- Be responsible for the day-to-day maintenance of the assigned vehicle, checks oil, water, battery, brakes, tires, etc.
- Perform minor repairs and arranges for other repairs and ensures that the vehicle is kept clean.
- Be responsible for safe travel and comfort of passengers.
- Log official trips, daily mileage, fuel consumption, oil changes, greasing etc.
- Ensure that the steps required by rules and regulations are carried out in case of involvement in accident.
- Perform other duties as required by the National Project Manager (NPM) for achieving the above objectives.

QUALIFICATION AND EXPERIENCE:

- Secondary/Higher Secondary School Certificate and has valid driving license LTV.
- Knowledge of driving rules and regulations.
- Minimum 3-5 years of driving experience preferable with an international organization.
- Good spoken and written Lao and moderate level of understanding English.
ANNEX C: PEOPLE’S JUSTICE FUND FOR LAO PDR TO SUPPORT THE IMPLEMENTATION OF THE LEGAL SECTOR MASTER PLAN

UNDAF Action Plan 2012-2015 Outcome: UNDAF OUTCOME 2: By 2015, the poor and vulnerable benefit from the improved delivery of public services, an effective protection of their rights and greater participation in transparent decision making

UNDAF Action Plan 2012-2015 Outputs: OUTPUT 2.4: The Legal Sector Master Plan is effectively implemented advancing the Rule of Law and accelerated realization and protection of human rights.

Start Date: March 2014
End Date: 31 December 2016

Brief Description

The People’s Justice Flexible Funding Facility aims at channelling funding to local or small-scale initiatives by under-represented stakeholders, local Government agencies (at district or village levels), mass social organisations, broader civil society, research institutes or learning institutions (e.g. Law Faculty, (MSOs), INGOs, LNCCI, LBA, Lao NCAW, National civil society, etc.) - that will increase people’s legal empowerment and advance LSMP implementation from ‘the bottom’. The activities supported by the People’s Justice Flexible Funding Facility will respond to strategic short term and emerging needs relevant for achieving the Legal Sector Master Plan goals towards the objective of having Lao PDR becoming a Rule of Law state by 2020. In the first stage 2013-2015, the objective is to test the mechanism – its concept and modality – before it is assessed and adjusted for further wider application.

<table>
<thead>
<tr>
<th>Total resources required</th>
<th>US$ 350,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total allocated resources:</td>
<td></td>
</tr>
<tr>
<td>• UNDP</td>
<td>50,000</td>
</tr>
<tr>
<td>• Other:</td>
<td></td>
</tr>
<tr>
<td>o EU</td>
<td>50,000</td>
</tr>
<tr>
<td>o Donor</td>
<td></td>
</tr>
<tr>
<td>o Donor</td>
<td></td>
</tr>
<tr>
<td>o Government</td>
<td></td>
</tr>
<tr>
<td>Unfunded budget:</td>
<td>US$ 250,000</td>
</tr>
</tbody>
</table>

Agreed by UNDP:
GUIDELINES FOR PEOPLE JUSTICE FLEXIBLE FUNDING FACILITY TO SUPPORT THE IMPLEMENTATION OF THE LEGAL SECTOR MASTER PLAN

Background

The UNDP supports the Government of Lao PDR in implementing the Legal Sector Master Plan adopted by the Government of the Lao PDR in September 2009 towards realising the Government’s goal of becoming a rule of law state by 2020. UNDP proposes to launch a pilot flexible fund facility designed to support local or small-scale initiatives by under-represented stakeholders, local Government agencies (at district or village levels), mass social organisations, broader civil society, research institutes or learning institutions (e.g. Law Faculty, MSOs, INGOs, LNCCI, LBA, Lao NCAW, National civil society, etc.) that will increase people’s legal empowerment and advance LSMP implementation from ‘the bottom’. This facility is expected to have a high impact through well-defined short-term and local or small-scale interventions that will increase the production of result-oriented work of under-represented stakeholders active in the legal sector.

Purpose and Expected Output

This facility is expected to have a high impact through well-defined short-term and local or small-scale interventions that will increase the production of result-oriented work of under-represented stakeholders active in the legal sector. The People’s Justice Fund will be made available to eligible applicants to support local or small-scale initiatives by under-represented stakeholders, local Government agencies (at district or village levels), mass social organisations, broader civil society, research institutes or learning institutions (e.g. Law Faculty, MSOs, INGOs, LNCCI, LBA, Lao NCAW, National civil society, etc.).

The outputs of each proposal would directly increase people’s legal empowerment, particularly targeting marginalized and vulnerable groups, and advance LSMP implementation from ‘the bottom’. Resources may be used to organize awareness-raising campaigns on legal issues specifically targeting communities at grass-root level, support dialogue processes on legal issues, print outreach materials, conduct capacity development initiatives, hire short-term consultants, etc.

The selection will be made by a team composed of the Head of the LSMP Secretariat, the Head of the respective 4 LSMP pillars, representatives from UNDP and other participating development partners (the “Approval Board”). The role of the team is to appraise individual requests and as necessary prioritize the use of the limited funds available, as well as to ensure accountability and effectiveness of fund use.

5% of the mobilized resources will be allocated to capacity development of CSOs and other potential applicants in order to ensure (1) better understanding of the applicants of the LSMP and people’s legal empowerment; and (2) receiving targeted and quality proposals and reports.

Criteria for approving funding requests:

A proposal should be completed using the enclosed standard format. The proposal should meet the following criteria if it is to be considered for funding under the People’s Justice Fund by the Approval Board:

Eligibility: eligible applicants should be local Government agencies (at district or village levels), mass social organisations, broader civil society, research institutes or learning institutions (e.g. Law Faculty, MSOs, INGOs, LNCCI, LBA, Lao NCAW, National civil society, etc.), for initiatives that support directly the implementation of the LSMP.
**Scope**: proposal should address issues that are perceived by the Government and Development Partners as requiring immediate and strategic attention and that cannot be mobilized quickly from other sources, and would directly increase people’s legal empowerment, particularly targeting marginalized and vulnerable groups, and advance LSMP implementation from ‘the bottom’.

<table>
<thead>
<tr>
<th>Indicative examples (not an exhaustive list):</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Non-Profit Association organized awareness-raising campaign or public hearings events at local level on key legal issues in order to enhance knowledge of basic rights by citizens in remote areas (the anticipated result)</td>
</tr>
<tr>
<td>- Translation into ethnic languages of brochure on human rights or access to justice in order for more people and inform them about their rights (the anticipated result)</td>
</tr>
<tr>
<td>- Village Mediation Unit set-up an information kiosks or library with information materials on social, legal and economic issues in order to increase awareness of local communities about the laws, their rights and the overall socio-economic context (the anticipated result)</td>
</tr>
<tr>
<td>- Lao Journalists Association develops media kit on human rights and access to justice to disseminate them to journalists in order to raise awareness of the media on human rights and access to justice and create greater coverage of such issues to the broader public through press, radio and TV (the anticipated result)</td>
</tr>
<tr>
<td>- Students from University create a video clip on basic rights or gender-related issues for diffusion on the national TV justice in order to raise awareness amongst the youth population on legal issues (the anticipated result)</td>
</tr>
<tr>
<td>- Sub-Lao NCAW established a gender helpdesk at the district level to assist the victims of violence, ensuring confidentiality, in order to reduce court biases when dealing with gender based violence (the anticipated result)</td>
</tr>
<tr>
<td>- Representative from Non-Profit Associations participate in international conferences in order to enhance their advocacy capacity relating to human rights issues and exchange best practices (the anticipated result)</td>
</tr>
<tr>
<td>- Support the Lao Bar Association to establish knowledge-sharing platform with civil society in order to facilitate legal assistance to the communities (the anticipated result)</td>
</tr>
</tbody>
</table>

**Communicating Results**: proposal should specify results that are demonstrably consistent with the objective of increasing awareness about, and knowledge and understanding of legal issues, access to justice and human rights by the broader public, including civil society organisations at community level and vulnerable and marginalised groups in remote areas. The proposal should demonstrate a logical link between the problem(s) they have identified, how they are intending to address it and what they hope to achieve (“the anticipated result”).

**As an example:**

**The problem**: In the district of zzz, there is limited understanding amongst some ethnic groups about the ways to access the justice systems. [Note: explain where do you get such information such as some baseline survey, statistics, reports, etc.]

**The proposal**:  
The District Court develops a simple booklet with some easily readable questions and answers  
It will be translated into some of the ethnic languages  
Printing of the booklet  
Dissemination of the booklet with possible organization of public hearing events

**The anticipated result**: by the dissemination of the easily accessible booklet translated into some ethnic languages to the communities, ethnic groups of the district of zzz better understand the procedures and modalities of accessing the justice systems [Note: upon completion of the activities, explain where do you get information about concrete improvements and if possible, provide people’s stories/comments/interviews]
To identify the anticipated result, you may ask yourself the following questions:

- What will happen as a result of the project?
- What changes will occur as a result of the project?
- How will it make a difference in the community?

**Inputs (Budget and Duration):** funds should be used to carry-out short-term initiatives, normally of no more than three months (date of completion) and normally $3,000-5,000 but not exceeding US$10,000, although in special cases, the upper limits could be re-considered by the Approval Board.

**Review and approval procedure:**

- The proposal must be officially submitted to the Head of the LSMP Secretariat (MoJ) [with copy to UNDP].
- The proposal is accepted on a rolling basis (all over the year); there is no set deadline for submission.
- The UNDP officer supporting the LSMP Secretariat will send the received proposals to the Approval Board 1 week prior to their monthly meeting; the UNDP officer supporting the LSMP Secretariat will present the proposal to the Approval Board for consideration and approval after each monthly LSMP project meeting, or request the proposer for any additional information required to process the request.
- The reviewing process and reasons for accepting or rejecting a proposal should be duly documented in the minutes of the Approval Board monthly meeting. The approval process can be done virtually if the Approval Board deems appropriate.
- Once the decision is made, Head of LSMP Secretariat and UNDP on behalf of the Approval Board will be responsible for notifying the applicant and explaining the reasons.

*Depending on the funding availability, this fund envisions supporting 15-20 proposals annually.*

**Operational procedure:**

An approved proposal shall be directly implemented by the requesting entity or institution following its own rules and procedures. This includes management of project administrative matters such as maintaining financial records, preparing reports, and recruitment of any short term expert to assist the institution. The accountability fully rests on the requesting entity or institution to properly use the fund in accordance with its intended objective.

Under certain circumstances, however, where capacity of the requesting entity or institution is limited, especially in the areas of procurement of technical services, the organization can request support services from UNDP. In such cases, UNDP will proceed in accordance with its rules and procedures.

UNDP and the LSMP Secretariat reserve the right to conduct a monitoring mission to ensure effective implementation of the accepted proposals.

Upon completion of the individual project, the implementing entity or institution is responsible for submitting reports (both financial and activity reports) to the Head of LSMP Secretariat and UNDP for further distribution to the Approval Board for review and follow-up. Reports shall be submitted no later than one month after completion of project activities and clearly articulate the results achieved under the activity (*please refer to above information on communicating results*). The Approval Board may require additional information to the implementing entity or institution responsible in order to supplement information provided in the reports.
LSMP Secretariat will ensure liquidation of funds allocated for each proposal in accordance with expenditure report submitted by the requesting entity or institution on completion of activities, including any return of funds.

---

PEOPLE’S JUSTICE FUND FOR LAO PDR TO SUPPORT THE IMPLEMENTATION OF THE LEGAL SECTOR MASTER PLAN AT THE COMMUNITY LEVEL

STANDARD APPLICATION FORM

Date of Application:

Name of requesting entity or institution:
Name of representative of requesting entity or institution:
Address:
Phone number:
Email:

Type of Activity:

PART I. SPECIFICATION OF SERVICE REQUIRED

Description/purpose of initiative to be funded:
Please provide detailed description including (1) timeframe; (2) logical link between the problem(s) they have identified, how they are intending to address it and what they hope to achieve (“the anticipated results” – please refer to the guidelines for some examples); (3) link with the objective of increasing awareness about, and knowledge and understanding of legal issues, access to justice and human rights by the broader public, including civil society organisations at community level and vulnerable and marginalised groups in remote areas; (4) alignment with People’s Justice Fund Guidelines; (5) objectives of the initiative, anticipated results, and draft work plan. Please attach relevant documentation such as Terms of Reference and any other relevant documents.

PART II. DETAILS OF PARTICIPATING ENTITIES

Please provide details of requesting entity or institution and identify who would provide leadership and support to the proposal, including other stakeholders and participants in project activities.

PART III. FUNDING REQUIREMENTS

Estimated Total Cost in US$:

Please provide itemised costing by purpose and duration including: rental of premises, equipment, sundries, consultancy fees, printing costs, allowances/DSA (expected to be limited to a maximum of 25% of the total amounts of the proposal), travelling costs, others

PART IV. ENDORSEMENT BY REQUESTING ENTITY OR INSTITUTION

Application Endorsed by:
(Signature)

Date:
Full name:
Title:
Position and organization:

**TO BE ATTACHED:** please provide as much supporting documentation as possible
For consultancy services and other assignments: TOR, costs estimates, etc.
For printing: provide draft materials, estimates received from identified service contractors
For conferences/workshops/training activities: scope of consultations, draft agenda, list of participants and costs involved
The Annex of the Government’s LSMP sets out a total of 42 initiatives - 14 projects encompassing 2 sub-projects and 40 activities, as well as 2 stand-alone projects - under 4 Pillar programmes “to implement the LSMP to the year 2020 successfully”. While these initiatives do not represent an exhaustive list of possible activities or initiatives that fall within the scope of the LSMP, they form the ‘core’ of what is deemed necessary in order to implement the LSMP substantially.

I. LSMP Annex Initiatives not in this proposed Support Project for LSMP

The SPLSMP does not seek to implement the LSMP in full. However, it does try to facilitate system-wide change, spur cooperation between stakeholders and pillars, fill gaps left by other domestic or DP-supported initiatives, and promote coordination and synergy between initiatives. As such, the SPLSMP touches upon a wide-range of areas identified in the LSMP Annex - not necessarily covering each initiative in its entirety but, rather, addressing some elements of it.

The following table attempts to break down the 42 LSMP Annex ‘initiatives’ on the basis of whether they are: (1) ‘fully’ included in the SPLSMP (green); (2) ‘partially’ included (yellow); or (3) excluded (red).

**LSMP Annex and SPLSMP Outputs**

<table>
<thead>
<tr>
<th>Prog./Pillar</th>
<th>Project (Sub-Project)</th>
<th>Activity (No.: Description)</th>
<th>Included in Support Project (Yes/No/Partial: Sub-output)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I 1</td>
<td>1</td>
<td>1: Legislative drafting procedures</td>
<td>Y: 1.1, 1.2, 13 and 1.4</td>
</tr>
<tr>
<td>I 2</td>
<td>1</td>
<td>2: International treaty incorporation</td>
<td>Y: 1.2 and 5.1</td>
</tr>
<tr>
<td>I 3</td>
<td>2</td>
<td>1: Develop Real Estate Market</td>
<td>N</td>
</tr>
<tr>
<td>I 4</td>
<td>2</td>
<td>2: Develop Labour Market</td>
<td>N</td>
</tr>
<tr>
<td>I 5</td>
<td>2</td>
<td>3: Develop IPR Market</td>
<td>N</td>
</tr>
<tr>
<td>I 6</td>
<td>2</td>
<td>4: Develop Insurance Market</td>
<td>N</td>
</tr>
<tr>
<td>I 7</td>
<td>2</td>
<td>5: Develop Stock Market</td>
<td>N</td>
</tr>
<tr>
<td>I 8</td>
<td>3</td>
<td>1: Legislative drafting mechanisms</td>
<td>P: 1.1 and 1.2</td>
</tr>
<tr>
<td>I 9</td>
<td>3</td>
<td>2: Monitoring law implementation</td>
<td>P: Output 1 and sub-output 2.2</td>
</tr>
<tr>
<td>I 10</td>
<td>4</td>
<td>1: Harmonise laws with ASEAN FTA/WTO</td>
<td>P: 1.2 and Output 5</td>
</tr>
<tr>
<td>I 11</td>
<td>4</td>
<td>2: Study to draft new laws (listed)</td>
<td>P: 1.4</td>
</tr>
<tr>
<td>II 1</td>
<td>1</td>
<td>1: Strengthen org. &amp; operational management of courts</td>
<td>P: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 13</td>
<td>1</td>
<td>2: Improve adjudication at all court levels</td>
<td>Y: 2.1</td>
</tr>
<tr>
<td>II 14</td>
<td>1</td>
<td>3: Modernise court facilities</td>
<td>P: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 15</td>
<td>2</td>
<td>1: Strengthen org. &amp; operational management of OSPP</td>
<td>Y: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 16</td>
<td>2</td>
<td>2: Improve operations of all prosecutor levels</td>
<td>Y: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 17</td>
<td>2</td>
<td>3: Modernise prosecutor office facilities</td>
<td>P: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 18</td>
<td>3</td>
<td>-: Strengthen org. &amp; operation of Investigation Office</td>
<td>P: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 19</td>
<td>4</td>
<td>1: Establish &amp; systematise evidence gathering</td>
<td>P: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 20</td>
<td>4</td>
<td>2: Develop MPS evidence function</td>
<td>P: 2.1 and 2.2</td>
</tr>
<tr>
<td>II 21</td>
<td>5 (SP 1)</td>
<td>1: Increase MoJ role</td>
<td>P: Output 2</td>
</tr>
<tr>
<td></td>
<td>II</td>
<td></td>
<td>1: Improve provincial/city/district justice offices</td>
</tr>
<tr>
<td>---</td>
<td>----</td>
<td>---</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>24</td>
<td>II</td>
<td>5</td>
<td>2: Strengthen local (civil) judgement execution</td>
</tr>
<tr>
<td>25</td>
<td>II</td>
<td>5</td>
<td>3: Strengthen local public notary offices</td>
</tr>
<tr>
<td>26</td>
<td>II</td>
<td>5</td>
<td>4: Strengthen VMUs</td>
</tr>
<tr>
<td>27</td>
<td>II</td>
<td>6</td>
<td>Strengthening criminal judgement enforce. (MPS)</td>
</tr>
<tr>
<td>28</td>
<td>II</td>
<td>7</td>
<td>1: Strengthen LBA org. &amp; operation</td>
</tr>
<tr>
<td>29</td>
<td>II</td>
<td>7</td>
<td>2: Strengthen legal consult. Offices’ org. &amp; operations</td>
</tr>
<tr>
<td>30</td>
<td>II</td>
<td>8</td>
<td>1: Strengthen family registry offices</td>
</tr>
<tr>
<td>31</td>
<td>II</td>
<td>8</td>
<td>2: Strengthen Property Registration Office</td>
</tr>
<tr>
<td>32</td>
<td>III</td>
<td>1</td>
<td>1: Improve local legal ed. curricula/materials</td>
</tr>
<tr>
<td>33</td>
<td>III</td>
<td>1</td>
<td>2: Increase no./quality local legal ed. trainers</td>
</tr>
<tr>
<td>34</td>
<td>III</td>
<td>1</td>
<td>3: Modernise local legal ed. facilities</td>
</tr>
<tr>
<td>35</td>
<td>III</td>
<td>2</td>
<td>1: Improve legal/judicial ed. curricula/materials</td>
</tr>
<tr>
<td>36</td>
<td>III</td>
<td>2</td>
<td>2: Increase no. &amp; quality legal/judicial ed. trainers</td>
</tr>
<tr>
<td>37</td>
<td>III</td>
<td>2</td>
<td>3: Modernise legal/judicial ed. facilities</td>
</tr>
<tr>
<td>38</td>
<td>IV</td>
<td>1</td>
<td>1: Establish Legal Information Centre</td>
</tr>
<tr>
<td>39</td>
<td>IV</td>
<td>1</td>
<td>2: Develop Official Gazette</td>
</tr>
<tr>
<td>40</td>
<td>IV</td>
<td>1</td>
<td>3: Mechanism to publish court decisions</td>
</tr>
<tr>
<td>41</td>
<td>IV</td>
<td>2</td>
<td>1: Improve legal dissemination mechanism</td>
</tr>
<tr>
<td>42</td>
<td>IV</td>
<td>2</td>
<td>2: Integrate legal education into school curricula</td>
</tr>
</tbody>
</table>

This chart should be read with caution, however. In some cases, sub-projects or activities included in the Support Project (i.e., those marked in green) will, if implemented, lead to the substantial completion of the corresponding LSMP Annex initiative. In most cases, however, the Project will only establish the foundation for the mid to long-term achievement of that initiative.

Those initiatives marked as partially corresponding to SPLSMP activities (i.e., yellow) do so to varying degrees - subject, *a fortiori*, to the same (aforementioned) limitations as those marked in green. Some of these initiatives marked in yellow may only have a very small overlap with the Project’s activity or sub-project: e.g., the establishment of databases or networks, or provision of information materials, as part of the improvement or modernisation of facilities and infrastructure (Project II, Project 1, Activity 3 or Project 2, Activity 3).