



## **Mid-Term Evaluation Report**

### **Enhancing the Contribution of International Law to the Strengthening the Rule of Law in the Lao PDR Project ID 00045032**

**(International Law Project Phase II)**

**May 2005 – November 2007**

**10 December 2007**

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**Project ID 00045032**

#### **(International Law Project Phase II)**

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## **Executive Summary**

In order to contribute to establishing the rule of law and developing a coherent, credible and predictable legal framework, the Ministry of Foreign Affairs adopted in 2001, and has been implementing since late 2002, a project to strengthen the process of signing, ratifying, implementing and monitoring international legal instruments in the Lao PDR (the International Law Project).

A Mid-term evaluation mission of Phase II of the International Law Project was conducted from 15 November to 7 December 2007 to assess the performance of Phase II and the attached report contains the findings of the Evaluation Team.

The Project's rate of completion of a wide range of activities was impressive. During the period evaluated, the Project completed over 80 activities (including seminars, workshops, study tours, the launch of a website for the Project and the creation of library/resource centre). There were over 4,500 total participants in the activities during the period being evaluated, with approximately 2,000 of these attending Project activities more than once. This number of activities includes not only those called for in the Project Document, but also those added to the Annual Work Plans pursuant to approval by the Tripartite Review Meetings among the Project Team, UNDP, the European Commission Delegation and the Government of Finland.

Of the completed activities, 15 study tours, international courses or participation in international fora took place during this period. In addition to the above-mentioned activities, the Project has produced, printed and distributed 17 publications (including 10 issues of the Lao International Law Newsletter) plus approximately 50 translations of treaties in Lao and numerous handouts for workshops. In addition, the Project staff has regularly provided guest lectures at various events and institutions.

The Project has been pivotal to contributing to an opening up of dialogue between governmental officials and the international community and in giving assistance to the Government of Lao PDR on becoming parties to treaties, incorporating treaty provisions into Lao law and enforcement of treaties and treaty obligations. The Project has produced a number of tangible results: treaties ratified, reports to treaty bodies prepared and increased participation in international fora. In addition, due to the seminars and workshops given by the Project, there has been a change in mindset and an increased understanding of the importance of meeting international legal obligations.

The Project has enabled GOL officials to gain broad awareness and skills on international conventions and regional practice and experience. Importantly, the Project has supported GOL officials to link and compare with other domestic systems in the region, in order to take steps to improve the situation in Lao PDR. In the area of governance and international law, the activities of the Project will impact on more tangible projects. Capacity in the legal area that is built radiates throughout a whole range of activities (investment and natural resource projects, for example).

For the remaining time in Phase II of the Project, it is recommended that the Project focus on completing those elements in the Project Document or Work Plan not yet delivered and on those priority areas that provide high value for the effort. These include a second Chiang Mai University Course, additional activities targeting the provinces and localities, briefings for National Assembly members and assistance in the reporting process under the human rights treaties to which Lao PDR is a party.

While much has been accomplished, much remains to be done. Specifically, it is recommended that further activities in this area be undertaken by relevant stakeholders - either through an extension of the Project into a third phase or through a new Project. Priority should be put on providing assistance in the following areas: increasing participation in international agreements; improving the process by which treaties are considered, ratified, and incorporated into Lao law, continuing to collaborate with National actors in the enforcement and reporting obligations of State Parties to treaties. A new phase or project on international law and treaties should focus in particular on the national coordination progress. For each convention, the ministries and agencies who have responsibility for which provisions should be made clear along with those who should enforce the provisions. Technical discussions with all ministries and offices on the steering committee should be held along with parliamentarians. Gap analysis between treaties and Lao law should be a priority for future activities in international law - prior, during and after ratification process.

Affiliating the Project with the Department of Treaties and Law in the Foreign Ministry has had both benefits and drawbacks. The benefit is that the Project has been very effective in the delivery of outputs and held responsible directly for the outputs without spending a great deal of time negotiating with other co-departments, ministries or agencies. The Project has been able to complete such a high percentage of its outputs due to the streamlined nature of the Project Team and its location in one Ministry. This has, however, not greatly improved cooperation among departments within the MFA (Institute, Department of International Organizations, Department of Treaties and Law) and between and among other legal sector actors (in particular, the Ministry of Justice), despite the Project Team regularly co-hosting events with such actors and inviting representatives to all Project activities.

While working on greater cooperation, however, it is recommended that future activities in the area of international law and incorporating and implementing treaties in Lao PDR remain with a “lead” ministry and department. Because of the Project, the MFA Department of Treaties and Law is now well known as a resource for questions and matters of international law. Putting international law and treaties under a broader subject heading lead by a committee risks diluting the effectiveness of activities in this area. Given the current state of development and the importance of ownership in the Lao context, it is the opinion of the Evaluation Team that widening the situation institutionally is not ripe.

In addition, to place activities related to international law within a greater legal sector program, fails to address those areas covered by international law and treaties that involve more than “legal sector” institutions. Human rights protected under the main international treaties, for example, implicate parts of the GOL and mass organizations that are not “legal sector” actors (in the areas of education, agriculture, health, etc.).

## **Project Background**

Lao PDR is a least-developed landlocked country and one of the poorest in the world (ranked 130th out of 177 countries in terms of human development as of year end 2005). It is the fourth poorest country in South-East Asia (after Timor Leste, Myanmar and Cambodia (the latter two are ranked 132 and 131, respectively)). Lao PDR is also a post-war country with a crippling legacy of unexploded ordnance. As a transition country, moving from a centralized bureaucracy to a market system economy, Laos is in the midst of a number of international negotiations which will prove vital to the future of the country and its people in their struggles to reduce poverty and make significant strides towards sustainable human development, achieving the Millennium Development Goals and extricating the country from the group of least developed countries by 2020.

After 1989 and in particular with the creation of the first constitution in 1991, Lao PDR began in earnest the process of developing a new legal framework to support the transition to a market economy. To date, its National Assembly has enacted more than 65 laws in addition to the complex network of legislative and regulatory instruments issued by the President, the Prime Minister, and the Ministries. Important legislation passed in the last several years include constitutional amendments, amendments to the Penal code and the Criminal Procedure Law, the Law on the Protection and Development of Women, the Law on the Protection of Children and amendments to the Law on the National Assembly, the Law on the Supreme People's Court, etc.

In order to provide a stable environment for economic development of the country, the Government of Lao PDR (GOL) places high priority on establishing the Rule of Law to support the socio-economic transition. Although all laws written before 1975 were abolished after the establishment of the Lao PDR, the new Republic continued to comply with the international obligations of its predecessors.

During the past ten years, a great many changes and notable events have occurred in Lao PDR. Participation in regional and international fora has increased and the country has hosted an ASEAN Summit and a meeting of the Francophonie. The GOL has increasingly engaged in dialogue with its bilateral and regional partners on economic and social development and has developed a National Socio-Economic Development Plan (2006-2010) and a Legal Sector Master Plan (2006-2010).

In accordance with its Constitution, the GOL 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 (see Article 12 of the Constitution of Lao PDR). Based upon this policy, the GOL 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. Most significant in this regard is the fact that Lao PDR is now party to four core human rights conventions: the International Covenant on Economic, Social and Cultural Rights, (ICESCR), the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the

Rights of the Child (CRC) two Optional Protocols to the CRC and the International Convention on the Elimination of All Forms of Discrimination (ICERD), and has signed the International Covenant on Civil and Political Rights (ICCPR). Lao PDR has also ratified/acceded to other treaties, including international conventions in the fields of combating transnational organized crime and terrorism; tobacco control; drug control; and sustainable use of natural resources and the environment. In addition, the Lao PDR has also recently become party to two ILO conventions (No. 138 and 182) and signed the UN Convention against Corruption as well as many ASEAN, other regional and bilateral instruments.

With respect to Lao PDR's preparations for ratification of the International Covenants on Human Rights, it established an Inter-Ministerial Committee on the Preparations for Ratification and Implementation of the two Covenants (IMC), which seeks to establish a high-level coordinating mechanism that will guide the country through the process of ratification, implementation and realization of the rights enshrined in the Covenants. Additionally, Lao PDR continues to consider the ratification of the UN Anti-Corruption Convention and other international instruments, with a view to participation in the future.

The Government of Lao PDR places high priority on establishing the rule of law to support the socio-economic transition. In its policy paper on Governance Issues (presented to the Roundtable in March, 2003), the Government emphatically stated that it would strive: "to develop a coherent, credible and predictable legal framework established in a transparent and participatory manner". In the same vein, the Country Cooperation Framework of UNDP identifies "Support for the Rule of Law" to be a key starting point for good governance for poverty reduction, while the UNDAF calls to "Promote Human Rights for All".

The *sine qua non* of a rule of law State is an independent, impartial, effective, accessible, non-discriminatory legal system which assures and delivers justice for all who are governed by such system. A rule of law State respects, protects, promotes and fulfils internationally recognized human rights.

In order to contribute to establishing the rule of law and developing a coherent, credible and predictable legal framework, the Ministry of Foreign Affairs adopted in 2001, and has been implementing since late 2002, a project to strengthen the process of signing, ratifying, implementing and monitoring international legal instruments in the Lao PDR (the International Law Project). Phase I of the Project (which ended in April 2005) emphasized the more active participation of Lao PDR in the international community. Accordingly, the activities focused on advocacy for ratification, translating international legal materials into Lao for easy access and to increase intelligibility. Workshops and training programmes for government officials were held to increase general understanding of international law, in particular the international legal obligations of Lao PDR arising from its participation in international agreements/treaties, and it sought to build the international law capacity of the staff of the Ministry of Foreign Affairs.

While significant progress was made during Phase I of the Project in awareness raising, ratification and reporting, albeit at a slow pace, incorporation, implementation and enforcement and monitoring thereof of the international law

ratified by Lao PDR, at national, provincial and local levels remained inadequate. This observation was the starting point for designing of a new phase of the project falling under service line “2.4 Justice and human rights” of UNDP, the corporate strategy of which includes advancing of pro-poor laws; application of the rights-based approach to programming; civic education and awareness raising campaigns related to human rights; and strengthening of human rights institutions.

The formulation of the new phase of assistance was conducted in a participatory manner, involving a range of key stakeholders from the Ministry of Foreign Affairs as well as other legal sector and key Government institutions. These consultations assisted in the identification of the broad aims of the Project as well as the clear definition of focus areas for the new phase.

The Government of Finland and the Delegation of the European Commission expressed early interest in co-funding the new phase and, subsequently, their representatives participated in the formulation mission and provided valuable input in the project document for Phase II. Their funding for this project is well aligned with their focus on good governance and continuing cooperation with UNDP.

The Phase II Project Team consists of a Project Director (who is Director General of the Department of Treaties and Law), Deputy Project Director, Project Manager, Assistant Project Manager, Chief Technical Advisor (CTA), accounts and budget staff member, librarian, secretary, driver and cleaner. A Project Management or Steering Committee oversees the Project and meets annually to discuss Project implementation. A Tripartite Review meeting among the Government of Finland, the European Commission Delegation, UNDP and the Project is also held annually.

The Project is based in a branch of the Ministry of Foreign Affairs, at Sibounheuang, not far from the Patuxai monument in the centre of Vientiane.

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## **Project Objectives**

The International Law Project, Phase II (2005-2008) has the following objectives:

- I. Increased participation in the international legal framework;
- II. Improved incorporation of international law into the domestic legal system;
- III. Enhanced implementation, enforcement, monitoring and/or reporting under international legal instruments obliging the Lao PDR; and
- IV. Developed national capacities in international law and negotiation.

## **Evaluation Goals, Team, Methodology and Structure of Evaluation Report**

The Terms of Reference for the Evaluation are detailed in Annex B to this Report. According to the Terms of Reference, the goal of the evaluation mission is to “see whether the second phase of the Project can be considered to have been successful and to prepare the way for a possible subsequent phase, if indeed such a phase would be deemed to be necessary and/or useful.”

Objectives of the evaluation team; tasks to be carried out:

- Assess the progress towards achievement of the Project objectives as outlined in the initial Project document;
- Look into the relationship between this Project and the National Assembly Project as well as the longer term strategic Legal Sector Master Plan (2006-2010) of the Lao Government;
- Assess the structure and performance of the Project management team and support provided by UNDP;
- Identify lessons learned from the implementation of the Project’s activities;
- Provide guidance and specific recommendations on how the Project team and UNDP can improve performance (both substantive and management) during the remaining duration of the current Project; and make recommendations for the remainder of Phase 2 as well as for a subsequent phase, if such a follow-up phase is deemed necessary and feasible; and



- Provide guidance and specific recommendations for future support in the area of international treaties and law (as applicable) for both the Lao Government and UNDP to consider.

The Evaluation Team consisted of an international Team Leader (Ms. Sherry Holbrook) and a National Consultant (Mrs. Lithnarong Pholsena). The National Project Manager, Mr. Phoukhong Sisoulath, represented the Ministry of Foreign Affairs for the evaluation and provided a great deal of information on the Project and assistance in arranging and facilitating meetings. The Government of Finland appointed observers to take part in the mission, and an expert observer from Finland (Mr. Juhani Kortte) participated in one week of the Evaluation Mission's meetings and activities.

The mission was conducted from 15 November to 7 December 2007 for a duration of 17 working days.

### Evaluation Methodology

Participatory evaluations strengthen transparency and objectivity, accountability at all levels, enhance better alignment of resources according to priorities, and assist with the wider utilization of the results. In addition, participatory evaluations may enhance cost-effectiveness and time-effectiveness both for the government and development partners. Supporting partnership and donor coordination can enhance government's role in coordinating aid monitoring and evaluation.

Combined/Integrated evaluations (project evaluation as an integral part of, and contributing to, outcome evaluation) enhance effectiveness and efficiency. The timing of a formative evaluation can be effective if it is done in the middle of project/programme (or later if a continuation of support for the activities and objectives is anticipated). Joint evaluation with development partners enhances the government's engagement, ownership and coordination/aid effectiveness. Political commitment of the government is the key factor to ensure follow up. The involvement of government counterparts in every stage of evaluation strengthens national ownership and acceptance of recommendations.

For this evaluation, the team leader consulted with the other team members and UNDP on conducting the mission, the tasks to be performed, the time schedule for the mission and a table of contents for the evaluation report. The Evaluation Team undertook a thorough desk review of all project documentation and reports available, in order to familiarize itself with the project activities and results (see Annex C). The Team also reviewed the information management system for the library/archive that has been established and looked at arrangements for its maintenance.

The methodology of the evaluation included a number of interviews with a wide range of stakeholders. In addition, a roundtable evaluation discussion was held with approximately 60 participants during a workshop in Thalath during the evaluation period.

The main donors to the project, Finland and EU, were consulted through discussions with their representative observers. As noted above, an expert from Finland participated in evaluation activities and meetings during one week of the evaluation mission.

For the evaluation of Project activities, the Evaluation Team looked into the following two areas:

- 1) to what extent the Project Team completed the intended outputs in the Project Document and Work Plans, and
- 2) how successful the outputs were in meeting the four Project objectives (to measure whether or to what extent those activities called for in the Project Document and Work Plans furthered the objectives).

The first is a matter of Project execution and the second is more a matter of Project design. The Evaluation of Project Outputs section includes an assessment of the structure and performance of the Project management team and support provided by UNDP and recommendations for the remainder of Phase 2, as well as for a subsequent phase, if such a follow-up phase is deemed necessary and feasible.

## **Evaluation of Project Outputs**

### **1) Extent of Project Completion of intended outputs in Project Document and Work Plans**

To evaluate the outputs of the Project, the evaluation team reviewed intended outputs included in the Project Results and Resources Framework in the Project Document and the Annual Reports against the actual outputs. Readers of this Evaluation Report should refer to Annexes E and F, which list in detail the Project's completed activities and publications. Feedback from participants' written evaluations and the interviews conducted by the Evaluation Team are included here.

The Project's rate of completion of a wide range of activities was impressive. During the period evaluated, the Project completed over 80 activities (including seminars, workshops, study tours, the launch of a website for the Project and the creation of library/resource centre). There were over 4,500 total participants in the activities during the period being evaluated, with approximately 2,000 of these attending Project activities more than once. This number of activities includes not only those called for in the Project Document, but also those added to the Annual Work Plans pursuant to approval by the Tripartite Review Meetings among the Project Team, UNDP, the European Commission Delegation and the Government of Finland.

Of the completed activities, 15 study tours, international courses or participation in international fora took place during this period. In addition to the above-mentioned activities, the Project has produced, printed and distributed 17 publications (including 10 issues of the Lao International Law Newsletter) plus approximately 50 translations of treaties in Lao and numerous handouts for workshops. In addition, the Project staff regularly provided guest lectures at various events and institutions (University, Law Faculty) and, during 2006 and part of 2007,

delivered regular informal presentations to MFA Department of Treaties and Law staff.

Out of the 30 intended outputs included the Project Document and their related over 90 indicative activity items (some of which include multiple events) listed in the Project Results and Resources Framework, only 2 outputs and 12 activity items remain completely unfinished at the time of this evaluation. Many others, however, remain partially addressed due to the large scope of the objective involved (see the second section of this part).

The materials provided to participants in the Project's seminars and workshops were of high quality (albeit very broad in scope). The events attended by the Evaluation Team (the International Law Forum, 2007 and the 28-30 November 2007, Provincial Seminar; on Selected Topics on International Law held in Thalath) were well-organized and executed. Areas of international law covered were of wide scope and included transit/transport, human rights, trade, humanitarian law, law of treaties and treaty making, and the peaceful settlement of disputes, among other subjects.

The Project targeted certain of its activities towards the provinces, including participants in Provincial Workshops from Huaphanh, Phongsaly, Oudomxay, Luang Prabang and Xiengkhuang (from these provinces, there were representatives from the Department of Justice, the Office of Foreign Relations, the Office of the Prosecutor, the Provincial courts, the Office of Public Security, the Military Command, the Lao Front and the Lao Women's Union, for example).

A large number of high-level international experts provided knowledge and assistance during Project activities, on a pro bono basis (travel expenses and DSA only, as needed). These included, but were not limited to, representatives from OHCHR, HCCH, UNESCAP, ICRC, Stockholm University, IRRI, the former UN Legal Counsel, an ICERD Committee Member; a CEDAW Committee Member, the former president of the International Court of Justice and the Secretary-General of the Permanent Court of Arbitration. Exposure to speakers of this exceptional calibre served all four of the Project objectives and provided a unique opportunity to the Lao participants in Project activities. The CTA has been an important resource in this respect.

Participants in the Project activities who were interviewed by the Evaluation Team were uniformly positive and appreciative of the knowledge and training they received. Many noted a direct impact on their daily work and expressed a desire to learn more in the area of international law. All Lao participants interviewed thought that a continuation of support for training and assistance in the area of international law and implementation of treaties in Lao law was needed and many requested focused trainings on certain areas for specific audiences.

Members of the international community and UN offices and agencies interviewed noted that the Project contributed to an increase in familiarity of international law and an opening up of dialogue on international issues. Those that had experience in Lao PDR over time noted that there had been quite a change in the openness by GOL officials to discuss international legal norms over the past few years and many expressed the opinion that the Project had greatly contributed to this

developing. It was suggested by some of the international interviewees that the Project be used as a model in other countries as it was “one of the best” they had seen.

The Project staff were professional, dedicated and of high competence and their commitment led to the very high rate of implementation of Project activities. The permanence of the Project Team provided stable progress for the Project and credibility among local stakeholders. The Chief Technical Advisor’s knowledge and contacts were of particular note.

## **2) Evaluation of how effective Project activities were in furthering progress towards the Project’s four objectives**

With respect to the validity of the initial Project design and the likelihood of the outputs chosen meeting the four objectives, it is the opinion of the Evaluation Team that the objectives were overly broad for a three-year implementation period.

In addition, with respect to the third objective “Enhanced Implementation, Enforcement, Monitoring and Reporting under International Legal Instruments Obliging the Lao PDR”, and the related output of the improvement of the “Capacity of the DTL and Department of International Organizations to monitor the implementation and enforcement of international law and monitor of implementation of international legal obligations of other States Party” (see Output 3.12), it is generally the case that strictly-speaking, foreign ministries do not have primary responsibility for the implementation and enforcement of international law, once it is incorporated into the domestic legal system. This function falls to other actors, thus increasing the need for a broad awareness of the need to meet international legal obligations, and the need for the Foreign Ministry to concentrate on performing a coordinating and advisory role. This said, the Project’s activities concretely furthered the implementation, enforcement and reporting under international treaties, as is demonstrated in detail below.

Evaluation of notable outputs and activities are grouped into the four stated objectives or outcomes of the Project. Study tours are described separately.

### **Objective I: Increased Participation in the International Legal Framework by the Government of Lao PDR**

During the Project period under evaluation, workshops and consultations were conducted by the Project with relevant stakeholders and priority lists of international legal instruments for consideration were prepared, with explanatory notes in Lao language relating to scope, content and advantages of participation. Official proposals for signature, ratification or accession to international treaties were submitted by the Foreign Ministry in 22 cases to the Prime Minister’s Office and workshops and on relevant conventions (including the ICESCR, ICCPR, two Optional Protocols to the Convention on the Rights of the Child, the Disabilities Convention and its Optional Protocol, ten transit/transport conventions and five terrorism conventions) were held. Advice was given by the Project Team to the relevant stakeholders on the pros and cons of Lao PDR becoming party to treaties.

Since May 2005, Lao PDR has increased its participation in multilateral treaties and increased its treaty-making with bilateral partners. Multilateral treaties in the areas of cooperation on criminal and other matters, the environment, health, labour, human rights, trade and communications have been signed, ratified or acceded to during this period.

Notable treaties in the human rights area to which Lao PDR has become party include the International Covenant on Economic, Social and Cultural Rights, 1966, (ICESCR), the main covenant on economic, social and cultural rights (ratification), in force for Lao PDR since May 2007, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000 (accession), and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000 (accession), both in force for Lao PDR since July 2006. In addition, Lao PDR became party to the ILO Convention 138 on Minimum Age (accession in 2005; in force since June 2006) and the ILO Convention 182 on the Worst Forms of Child Labour (accession in 2005; in force since June 2006).

To prepare for and to support the ratification of the ICESCR and ICCPR, the Project arranged for workshops on specific groupings of rights and reporting under the Covenants to the Human Rights Committee and the CESCR for the relevant ministries/key implementing agencies and the judiciary. It was significant that the issue of the death penalty was raised by a number of interviewees, who reported that due to international legal considerations, Lao PDR was not currently carrying out death sentences (currently, the law provides for firing squad), but is rather engaging in a debate in the National Assembly about the issue.

In the area of protection of the environment and health, Lao PDR became party to the Stockholm Convention on Persistent Organic Pollutants (POPs) (ratification), the International treaty on Plant Genetic Resources for Food and Agriculture (accession), the London amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (accession) and the WHO Framework Convention on Tobacco Control (ratification).

In the region, Lao PDR also became party to an important ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, the Asia-Pacific Trade Agreement and others regional treaties in the area of aviation.

In the area of support for increased participation in the international legal framework (including international fora addressing international law), the Project planned and hosted two International Law Forums, and the conclusions and outcomes were (or will be, in the case of the 2007 Forum) published and disseminated. Eminent speakers were featured at both events. Mr. Hans Corell, former United Nations Under-Secretary-General for Legal Affairs and Legal Counsel featured as keynote speaker in the 2006 International Law Forum focusing on the Rule of Law. Judge Gilbert Guillaume, former Judge and President of the International Court of Justice and Mr. Tjaco van den Hout, Secretary General of the Permanent Court of Arbitration, featured as speakers in the 2007 International Law Forum focusing on the pacific settlement of disputes.

In the area of developing capacity for more effective participation in international law and human rights fora, priority lists of treaties and guidelines for signing, ratifying and participation in treaties were prepared and proposed by the Project Team and the MFA Department of Treaties and Law and adopted and approved by the MFA in 2005. The guidelines were subsequently incorporated into the Draft Ordinance on treaty-making. International fora identified with Project-supported participation by MFA and other Ministries are included in Annex E. Debriefings post-participation were conducted for the dissemination of knowledge gained.

To further the timely official notification of new treaties to which Lao PDR has become party, preliminary discussions on the publication in the Official Gazette of treaties to which Lao PDR has become party were held by the Project with the Ministry of Justice and approval obtained. No further action with respect to the Official Gazette has taken place due to the debate within the GOL discussed below, but the Project has prepared 50 treaties in Lao language and distributed the translations to relevant ministries and actors in order to provide adequate notification on the texts of the new treaties. This valuable activity has been extremely effective in increasing awareness of treaties to which Lao PDR is a party and more translations are currently in progress.

In addition to the multilateral treaties (including regional) to which Lao PDR became party since May 2005, almost 45 bilateral treaties and MoUs were concluded by Lao PDR as well. See Annex G for the full list of bilateral and multilateral treaties which Lao PDR has signed or become party to during the Project period

## **Objective II: Improved Incorporation of International Law into the Domestic Legal System**

The first step in improving the adequate incorporation of international legal obligations into the domestic legal system is a shared awareness of its necessity. In this respect, it was striking that interviewees (both participants in Project activities and members of the international community in Lao PDR) noted a greatly improved knowledge and understanding of the need to incorporate treaties into domestic law (or to analyse domestic law to see whether any incorporating changes are necessary) that was attributed to the Project's activities. It was stated numerous times and in varied ways to the Evaluation Team that "Lao PDR must meet its international legal obligations and must make our laws match". This shared awareness by participants in the Project's activities demonstrated the success of the Project in this area.

During the Project period, the Penal Code, the Labour Code and the Education Law have been amended, the Protection of Children Law has been adopted while a number of other proposed laws are currently still in draft form with the National Assembly (see Annex H).

The amended Penal Code addresses terrorism and related issues including money laundering, racial discrimination, trafficking in persons - all of which were

issues taken up by the Project's activities in the work done with the relevant drafting committee members.

**Labour Code amendments:** references on the right to work, access to work by persons with disabilities and provisions from the ILO Conventions were incorporated into the amendments to the Labour Law. The revised Labour Code now sets the minimum age for labour at 15 (previously, it had been 14 in Lao PDR). Materials on the ILO Conventions produced by a Project-engaged consultant were given to the drafting committee of the National Assembly. In addition, the Project held three workshops that addressed the right to work, access to work by persons with disabilities and the ILO Conventions in which officials of relevant ministries, legal sector institutions, the National Assembly and others involved in the drafting of the amendments (including the LDPA) participated.

**Protection of children law:** The Project held a series of workshops on the human rights conventions, including the Convention on the Rights of the Child (CRC), during Phase I of the Project. The compilation of human rights instruments with English and Lao was distributed. Discussions took place during a Phase I workshop on the concluding observations of the CRC reporting by Lao PDR. The consultancy report "Integration of Selected Lao Laws with Selected International Instruments", prepared by Dr. Jayampathy Wickramaratne, and delivered during Phase II of the Project in December 2005, was distributed to relevant legal sector actors and ministries. In addition to these activities, the right to education was covered in a workshop on which the Project collaborated with UNICEF.

**Disability Decree:** A series of workshops with LDPA were held to discuss provisions of the Disability Convention and the Optional Protocol. The Project translated the Convention and the Optional Protocol into Lao. Other relevant instruments translated into Lao by the Project include the general comment to the relevant provisions in the ICESCR and ILO Convention #159.

**Draft Trade Union Law:** The Project convened workshops where the right to form trade unions and free associations were discussed and members of the focal point group for human rights (ICCPR and ICESCR) attended the workshops regularly.

The results of the International Law Forum, 2006, which featured the former UN Legal Counsel, Mr. Hans Corell, were submitted to the Prime Minister's Office. Shortly thereafter, the Prime Minister's Office issued a Notification (incorporating excerpts from Mr. Corell's speech) to the effect that Rule of law should be adhered to and should be considered an integral part of the modernization of Lao PDR's legal and societal system.

A national meeting was held on 24-25 September 2007 and chaired by the Vice Minister of the Foreign Ministry on the Current Status of Implementation of Treaties in Lao PDR. All line ministries and sub-departments attended and reported on activities related to incorporating treaties into Lao law and the implementation of treaties within their competence. This was the first meeting of its kind to be held in Lao PDR. Participants on Project tours of different countries to learn about their legal systems (monist vs. dualist) presented information about what they learned and

then an open consultative discussion took place. A follow-up workshop in Thalath was targeted to address the lack of harmonized procedures and approaches among the ministries related to incorporating treaties into Lao law. Convening a national meeting of this kind is a remarkable development, in particular as it allowed relevant actors (represented at a high level) to understand the process of incorporation/transposition of treaties into domestic law and the subsequent steps for implementation. Further activities such as this are encouraged in the future.

The finalization of an activity undertaken in Phase I relating to the harmonization of domestic laws was facilitated during Phase II (e.g., to resolve inconsistencies between nine Lao laws and four international conventions to which Lao PDR is a Party). A drafting exercise was given by the Project in early 2005 on the drafting of amendments to relevant legislation. The draft proposals, included the proposed legislative amendments, were finalised and submitted to the Prime Minister's Office. Drafting committee members and National Assembly members received materials from the Project in support of these changes and new laws.

The Project held an introductory workshop to strengthen the capacity of the Department of Treaties and Law in the MFA and the Law Department and Law Research Institute in the Ministry of Justice to prepare incorporating legislation and the capacity of the National Assembly to ratify treaties and enact incorporating/implementing legislation. In addition, a workshop was given on the drafting of legislation implementing international treaty obligations (same international consultant as above). A workshop was held on the legislative experience of other countries (and study tours to Viet Nam and the Philippines took place). Drafting guidelines on the incorporation of treaties into Lao law were agreed upon in a consultative manner among the National Assembly, Ministry of Justice and MFA and submitted to the Government. Expected approval to be obtained in 2008, at which point dissemination of the Guidelines would take place and the officers who drafted the Guidelines would prepare workshops for other ministries/organizations. These guidelines were incorporated into the Draft Ordinance on Treaty Making (see below).

In the area of activities related to the draft Ordinance on Treaty Making and the clarification of the status of international law finalised for the consideration of the GOL, a consultative Meeting was held on the Draft Presidential Ordinance on the Conclusion and Implementation of Treaties in the Lao PDR; the Division of Labour between the line ministries, the National Assembly and the Judiciary; and the selection of ministries/institutions for the support of the International Law Project in 2006. Comments on the draft were given by representatives present, including by the Ministry of Justice, National Assembly, People's Supreme Court, Office of the People's Supreme Prosecutor, Prime Minister's Office, President's Office the State Inspection Authority and STEA. The MFA, with the support of the Project, submitted a proposal for amending the Ordinance and submitted it for approval to the Prime Minister's Office. The draft Ordinance is currently with the Standing Committee of the National Assembly.

In the area of strengthening the capacity of the Ministry of Justice to develop private international law, the judiciary to apply its principles and the OSPP to monitor its application, the Project gave a workshop for the judges of the Vientiane Court,



Appellate Court and Supreme Court on techniques to apply principles to apply principles of private international law (in lieu of a study tour). Guidelines for the application and monitoring of private international law were intended to be drafted following a pilot workshop with judges, Ministry of Justice officials and public prosecutors, but this did not occur.

The Project undertook activities to strengthen the capacities of concerned ministries and institutions and their staff to harmonize and incorporate international law in the five focus areas of international law (human rights law, labour law, transit/transport and border-crossings, environmental law, esp. water law and private international law), regional and bilateral instruments and “soft law” (with legislative incorporation). Workshops were developed and conducted in priority areas of 1) ILO conventions and recommendations, 2) environmental conventions, 3) the Mekong Agreement and the Procedures adopted thereunder, 4) transit/transport agreements, 5) border cooperation agreements, 6) bilateral agreements signed with neighboring countries and 7) ASEAN agreements relating to the 5 bodies of law. National consultants were recruited to support and build capacity for a review of all multilateral treaties involving obligations for Lao PDR and implementing agencies concerned with such treaties were identified. A report was prepared covering the treaties and implementing laws where such laws either insufficiently incorporated international obligations or where treaties were not incorporated into domestic law at all. Workshops were given on harmonization of laws and drafting of new incorporating legislation for selected treaties in all focus areas. Follow-up by concerned institutions was lacking on the drafting of proposals with follow-up meetings.

In the area of work on bilateral treaties and regional/subregional multilateral treaties, the Project has supported the work of the MFA Department of Treaties and Law through the translations of bilateral treaties negotiated and concluded by relevant line ministries prior to their submission to the Prime Minister’s Office and the National Assembly for ratification (where required). Examples of agreements in this area include: the recently-finalised investment protection bilateral agreement with Japan, the regional cooperation agreement on Criminal Matters with regional neighbors, a Treaty on Mutual Assistance in Criminal Matters between Lao and the Russian Federation, and an Agreement between the Government of Poland and Lao PDR on cooperation in combating organized crime and other related crime.

### **Objective III: Enhanced Implementation, Enforcement, Monitoring and Reporting under International Legal Instruments Obliging the Lao PDR**

In the area of enhanced implementation, and particularly with respect to reporting under international legal instruments to which Lao PDR is a party, it is a notable success that a Permanent Mission of Lao PDR in Geneva was opened in 2007, partly due to the efforts of the Project Team. The new Ambassador from Lao PDR arrived in Geneva in September 2007 and an advance team has been working there since June 2007. The Permanent Mission currently has an Ambassador, 1<sup>st</sup> and 2<sup>nd</sup> Secretaries, all of whom had previously participated in Project activities, in particular those on human rights. The Permanent Mission in Geneva will serve as the liaison point for the GOL to the human rights treaty bodies, increasing contact, familiarity

and expedience in the area of reporting to and the implementing of committee recommendations. The presence in Geneva of a Lao PDR delegation familiar with the human rights treaty bodies is an important indication of political will to enter into international dialogue on human rights issues with the UN supervisory bodies. The Permanent Mission in Geneva should lead to positive effects over time with respect to the reporting process and the implementation of committee recommendations.

Participants in a workshop on ICERD discussed and improved the draft report to the CERD Committee provided by a Project-supported consultant, and assisted authorities to formulate answers to the CERD Committee's questions/concerns raised in the Concluding Observations and Recommendations to Lao PDR's report submitted in 2004. These were submitted to the CERD Committee in April 2006.

The Project, through an international consultant (Mr. Wicramaratne), prepared an analytical study and comparison of selected human rights treaties with domestic laws of the Lao PDR (ICCPR, ICESCR, CERD, CEDAW and CRC). The study not only furthered the objective towards greater implementation and enforcement but also the incorporation of the treaty obligations into domestic legislation (Objective II above). This and other "gap analyses" have been provided by the Project to the NA for use when draft legislation is being proposed or amendments drafted.

Inclusion and a participatory focus in the Project's activities have been successful in obtaining input and contributions from the mass organizations and associations (such as the Lao Women's Union, the National Committee for the Advancement of Women and the Lao Disabled Person's Association). This has particularly been true in the area of the human rights treaties.

#### **Objective IV: Developed National Capacities in International Law and Negotiation**

In general, all of the Project activities were very successful in developing national capacities in international law. It was noted by numerous interviewees that the capacity of Lao PDR officials to discuss international legal principles, although continuing to need a great deal of development and assistance, has truly moved in a positive direction thanks to exposure to international law through the Project's activities.

In addition, in the area of capacity development, the Project developed the MFA Department of Treaties and Law library into an information, resource and research centre for international law and human rights. The Project successfully arranged for additional space and merged the Department of Treaties and Law materials with the ASEAN Project library material (the new resource centre was finalised in the summer of 2007). The Project purchased books on international law and developed a library of materials, including translations of treaties obliging Lao PDR that had not already been translated during Phase I and translation of treaties to which Lao PDR could consider becoming party to (with emphasis on the 25 core UN treaties). Publication of updated list of multilateral treaties to which Lao PDR is a party was completed and is available in the library. Visitors to the library/resource centre were logged-in and the librarian provided materials.

Users of the Project's information centre included officials from various ministries (MFA, MoJ, MoD, Ministry of Education, Ministry of Labour, Ministry of Information and Culture, Ministry of Public Security), and representatives from the People's Supreme Court, the Miliani Academy/Police Academy, the National Assembly, the Office of the Supreme People's Prosecutor, the Prime Minister's Office, and the National Institute of Social Science. In addition, many students visited from the Law Faculty, National University of Laos, Sangsavhan College, Lao-American College and Lattana College. The Project also conducted mobile library visits and presentations at various educational institutions and other locations.

Meeting the Project's fourth objective of national capacity building in international law, the Project supported staff of various MFA Departments, the Department of Treaties and Law in particular, and other Ministry officials, to be exposed to international experiences in the field of international law and human rights, including sessions of the UN Human Rights Council and meetings of the Third and Sixth Committees of the UN General Assembly. In addition, notable international study tours provided exposure for GOL officials to established international institutions and universities like the Hague Academy of International Law.

In the capacity-building area, it is also noted that the Law Faculty has greatly benefited from the Project activities. Law faculty professors and students have been regular attendees at the Project activities and events and reported great appreciation for the information gained. In particular, faculty have regularly used the Project's materials in their courses at the Law Faculty. The Project Team members (in particular, the Project Manager and the CTA) have also regularly lectured to classes at the Law Faculty on substantive areas of international law. In addition, a close collaboration was established between the CTAs of the International Law Project and the Law Faculty Project so that high-level international experts in Vientiane giving presentations at the Project's activities were also regularly scheduled to speak at the Law Faculty during their stay. This "cross-pollination" greatly increased the exposure of the Law Faculty professors and students to each expert's advice and materials.

### **Study Tours:**

Study tours were a mix of those with academic focus, generally affiliated with universities (for example, Chiang Mai University, the Hague Academy, etc.; see Annex E for full list), and those primarily designed for visits to governmental ministries and agencies to obtain comparative understanding of legal systems and methods of incorporating international law into domestic systems and to inform decision-making (on the Ordinance, monist vs. dualist systems, etc.).

Participants were selected primarily from the MFA Department of Treaties and Law, with a minority sent from the Ministry of Justice, the People's Supreme Court, the Office of the People's Supreme Prosecutor, the National Assembly and others.

As the representative from Finland noted in the 2007 TPR Meeting, activities, including workshops and study tours, have been “impressive and versatile” and “study tours are needed to get more experience from the regional and international practices”. Participants in the study tours who were interviewed by the Evaluation Team were all uniformly positive about their experience, although some did more than others for follow-up upon their return. With respect to institutional capacity-building (in addition to personal capacity-building), the MFA officials who participated in the study tours and international meetings (UN GA, MOPs) have passed on their knowledge and some have now been posted abroad where their greater familiarity to international law and legal fora is of benefit in their work.

**Assess the structure and performance of the Project management team and support provided by UNDP and make recommendations for the remainder of Phase 2, as well as for a subsequent phase, if such a follow-up phase is deemed necessary and feasible**

The Evaluation Team looked at the structure and performance of the Project Team and support provided by UNDP in the implementation of the Project’s activities.

The Project, according to its objectives, Project Document and annual Work Plans necessarily has involved a great number of seminars and workshops, including the participation of international experts who travelled to Lao PDR and study tours by Lao overseas. This has meant a great deal of administrative work on the part of UNDP and the Project staff. Problem areas arose in this area, creating particular difficulties with respect to the timely payment of partners to the Project. Travel arrangements were not finalised adequately in advance and advance payment when required for study tours was often late. It was reported that clear annual budget amounts (amounts received from donors versus amounts spent in previous year by the Project) were not made available regularly to the Project to enable adequate planning for Project activities.

Overall, the Project Team was viewed as being very efficient and highly organized and productive and there was good teamwork and support from the Foreign Ministry’s Department of Treaties and Law (the primary beneficiaries for capacity-building activities in Phase I). It was felt that programmatic support provided to the Project by UNDP, in particular the training provided to Project staff in program reporting, budget and accounting, assisted with the successful delivery of the Project’s activities and increased the capacity of the staff in these areas.

The recommendation for the remainder of Phase 2 and for future activities is for clear and advance communication to take place between the Project and UNDP about plans for activities and for better cooperation on administrative management.

**Lessons Learned and Areas for Improvement**

- **Mix of participants promoted information sharing:** Inviting participants from a range of ministries and agencies and other organizations (Lao Bar

Association, Lao Women's Union) increased dialogue among them on issues of shared concern. It was noted by interviewees that the Project seminars provided them an opportunity to hear from the other participants about their priority issues and areas needing improved attention. The Project's events and activities brought people together – which, in the area of increased cooperation among GOL representatives and capacity building - was on many levels as important as the information provided.

- **The Chiang Mai University Course in particular provided information and network formation among Participants:** Participants of the Chiang Mai course who were interviewed noted an important benefit and outcome of the Chiang Mai study tour is that the participants stay in touch now and email each other to exchange information and ask questions. They also try to meet each other once a month for updated discussions on international law and treaties. Whenever one of the team members goes abroad, for example, they will brief the team on what they experienced upon their return.
- **Full-time Project Staff working on the Project Team led to the very high rate of implementation of Project activities.** This had been an issue during Phase I with respect to the status of the Project staff and their apportionment of staff time (between MFA Department of Treaties and Law activities and Project activities). The permanence of the Project Team provided stable progress for the Project and credibility among local stakeholders. The Project staff were professional, dedicated and of high competence.
- **Flexibility with respect to Work Plans** added to the Project's success in creating seminars and activities that were highly relevant to the GOL and responsive to local needs.
- **Publications, handouts for training workshops and translations of treaties into Lao were of great benefit and directly used by many participants in their work.** There were many examples of this, but the following is a selection:
  - MFA, Human Rights Division: with respect to UN documentation that is regularly sent to governments, there is specialized terminology; the recommendations of the treaty bodies is also specialized and needs to be understood. Project activities and materials have provided a greater ability to read and understand UN terminology and procedures.
  - Law Faculty professors have used Project materials and translations in their teaching (and expressed a need for additional materials).
  - Participants in Project activities who provide training at the Police Institute (Ministry of Public Security) have incorporated information and materials into their training of police.
  - The Ministry of Transportation, which is responsible for aviation as well as transit/transport matters, reported regular use of the provisions of the relevant treaties (translated into Lao by the Project) to answer questions from different constituents in Lao PDR and abroad.
  - Project publications and translations of treaties were used in the consideration of new or amended legislation by the National Assembly to incorporate treaties into Lao law.

- Many interviewees noted the role the Project plays as a resource centre for documentation and information.

The preparation and dissemination of translated treaty texts is key to ensure greater awareness of international legal obligations as well as providing a basis for action.

- **Seminars and Workshops - recordkeeping and review needs improvement:** Although the Project Team was very effective in completing activities, due to the sheer number of those activities (as indicated in Annex E) and the resulting time constraints, there was less attention paid to record-keeping and post-activity analysis. No regular records were kept of the male-to-female ratio of attendees and most summary reports prepared by the Project after each seminar did not analyse the results of the participant evaluations and incorporate them into the planning for future activities. A breakdown of participant affiliation was also not tracked for each seminar and workshop, nor was the attendance by repeat participants, or a total number of persons trained during the seminars and workshops. Upon request of the Evaluation Team, a male-to-female ratio and % affiliation was calculated for a few representative activities of the Project and a count was made of the total and repeat participants in Project activities.

These data are highly relevant (in particular, the affiliation of the participants and which individuals attend many events) - not only to help identify the success of the Project activities in meeting the objectives, but also to more thoughtfully address issues on an ongoing basis throughout the Project period and focus Project programming. During the remaining Project implementation period, the above should be included in the Project reporting (and is a general recommendation to UNDP for other Projects). Simple changes to the sign-in sheets provided at each workshop and seminar may be made to track male to female ratio, participant affiliation and repeat participants. It is also important to review the results from participant evaluations and Project team experiences after every activity to use in formulating subsequent activities. In general, it is suggested that invitations to UNDP Project events and activities include reference to qualified women candidates being encouraged to attend so that this is taken into account prior to the activities in question.

- **Better record-keeping is needed on the informal dissemination of information and advice given by Project Staff.** Many examples of the Project Team members giving advice and information on treaties and international law were described to the Evaluation Team during interviews, but without time logs or notes to the Project's files on the queries and answers given.
- **Briefing for National Assembly members did not take place regularly:** The National Project Director of the National Assembly Project suggested in the first Tripartite Review in 2006 (this was echoed by the National Assembly member the Evaluation Team interviewed) that the Project hold briefings for National Assembly members on international law. There was, however, only

one pre-session briefing organized in 2006. Although the National Assembly members were consistently invited to activities, more in this area should be done. The difficulty is that the National Assembly only meets in the whole twice per year and the standing members are busy with their responsibilities and their workload. Addressing this difficulty through additional tailor-made briefings to National Assembly members according to their schedules should be a priority in any future activities in this area. When Assembly members are available, and in close cooperation with the National Assembly Project, ad-hoc or smaller meetings with groups of National Assembly members may be suggested.

- **Procedural Recommendations for workshops and seminars:** It was noted by a majority of participants that small discussion groups encourage participant interaction and that future workshops should include a lecture portion and a small-group discussion portion of the schedule. Many participants requested workshop and seminar materials to be sent to them in advance. Now that there is a broad range of materials and texts on international law already established in the Project library and resource centre (in Lao and English), it is recommended that these are regularly sent in advance to the participants for their review prior to the workshops. The broad range of invitees (from line ministries, National Assembly, justice system, law faculty, PMO, etc.) greatly benefited the participants (see above). A number of participants noted, however, that as the “higher-ups” have now obtained a broad awareness of international, future activities should be more focused on specific subject areas of international law or on specific sectors/actors in Lao PDR (for example, human rights for line ministries and National Assembly; or Judges, prosecutors, police and lawyers in a few areas (trafficking, human rights issues in the justice system, etc.)).
- **Output 2.1 – Harmonizing Lao legislation with international law: No tracking of whether the laws as adopted or finalised contained any suggested changes or information:** The Evaluation Team asked the Project Manager whether the final versions of the various laws had, in fact, incorporated any of the suggestions provided by the Project, but were informed that an analysis of this had not been done. While acknowledging the prerogative of the National Assembly to add suggestions or not (in particular, where the draft laws or amendments were not contrary to the MFA’s suggestions but merely did not go as far or as in detail), analysing what is finalised would enable the Project to obtain a sense of whether advice and information provided impacted on the implementation side. To the extent that there is time and staff capacity, the Project should consider undertaking this analysis during the remaining Project implementation period. This is also an activity recommended for the future.
- **Follow-up after the study tours** by the participants could have been improved. There were always briefings and reports were written, but additional activities to further institutionalise the experience is advisable. These activities may include, for example, a series of lectures given by study tour participants to a range of attendees (colleagues, other line ministries and relevant agencies, law faculty students, etc.), publication of summary reports

in the Lao International Law Newsletter, and the distribution of summary reports and materials obtained to interested parties.

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## **Recommendations**

### **For the remainder of Phase II**

Given that the remaining duration of the current Phase II is only 5 ½ months, guidance and recommendations for the remaining period will be limited to those activities in the Project Document or Work Plan not yet delivered and those the Evaluation Team considers a priority or as providing high value for the effort. In addition, reference is made to Annex J, prepared by the National Project Director, Deputy Director and Project Manager, on the activities they will prioritise during the remaining time in Phase II. The Evaluation Team fully supports the proposals (noting that time and budgetary considerations will come into play) and also has the following recommendations and additional comments. In addition, should the budget allow, the Project may consider extending time for completion of Phase II an additional two to three months.

With respect to staffing, the Evaluation Team notes that the current CTA is due to depart Laos and leave the Project at the end of December 2007. As covered above, the CTA was of great benefit to the Project. For the remainder of Phase II, it is recommended in particular that if funds are available, the CTA could be asked to assist the Project on certain specific issues and/or for certain specific periods.

### **Activities not yet delivered or completed**

**Cultural protection** (which will be a part of the ICESCR reporting process): UNDP and the Project should finalise recruitment of a consultant. The consultant should complete a consultancy report which should provide advice to the GOL and Ministry of Information and Culture on the relevant international conventions, recommend priorities for the GOL to become party; include a gap analysis between the conventions and Lao law and make specific recommendations as to the specific actions and steps to be taken. (see Output 1.1 in the Project Document)

**Planned briefing to newly-selected diplomats for the Foreign Service:** According to the Project Manager, there were logistical issues that prevented the briefing scheduled for 2007 from taking place. Any future briefing during the remainder of the Project implementation period should be given jointly with the Foreign Ministry Institute or by the Institute with MFA Department of Treaties and Law speakers. A regular briefing for new diplomats should be proposed and organized. This is outside the time-scope of Phase II of the Project, but should be stressed in future activities in the area of international law. Having a diplomatic corps trained in international law (many may have specialized in political science, international relations or economics – not international law) will further the effective



participation of Lao PDR in international fora and vis-à-vis their relations with other States. (see Output 1.1 in the Project Document)

**Workshop for National Assembly members:** A pre-session briefing to the National Assembly took place in 2006 but not in 2007. In its absence, the Project should organize a briefing during the remaining implementation period, chaired by the Law Committee of the NA (as in 2006) on the priority list of treaties to be ratified and to train on the process of incorporating treaties into Lao law to ensure their implementation (through a review of existing law, the agreement that no laws need to be changed or adopted or the adoption of new laws or amendment of existing laws). The Project will also emphasize the functions of the National Assembly. These briefings should be jointly organized with the Ministry of Justice. An additional training to the Standing Committee should be undertaken specifically on incorporation of treaties into domestic law (with Ministry of Justice; this may be taught by the participants in the trips to Singapore and Philippines; Vice-Chair of the Law Committee of the National Assembly will chair the training). (see Output 3.13 in the Project Document)

**Publications:** A number of publications, currently in the process of being produced, should be finalised during the remaining time in Phase II. These include all of the Lao International Law Newsletters (including all translations into Lao), an Overview of Terrorism Treaties (with an introduction and a gap analysis), a Universal Declaration of Human Rights Poster (in cooperation with Lao Disabled Persons Agency), a collection of Investment Protection and Promotion Agreements to which Lao PDR is a party (in the process of being finalized), the Lao International Law Handbook and the Lao texts of various Private International Law Conventions.

**Other activities considered to be a priority or providing value for the effort for remainder of Project period**

**Continue to support activities for reporting on human rights in Lao PDR:** The first report for the Lao PDR under the ICESCR is due in 2009. Given the success of the visits by ICERD and CEDAW committee members, and with reference to the valuable recommendations on process provided in the consultancy report on this issue by Dr. Dr. Houy Pholsena, it is recommended that the Project invite a CESCR Committee Member to brief committee responsible for preparing the report. In addition, the Project should support work on the preparation of Lao PDR's Universal Periodic Review report to be submitted to the Human Rights Council for consideration, which will come due for Lao PDR in 2010.

**Carry out a targeted training for judges, prosecutors, lawyers and police on applying international legal principles in their work:** A targeted training such as this could be hosted in Vientiane and in at least one provincial capital (the Evaluation Team recommends Savannakhet or Champasack). This would also partially fulfil the expected outputs of 3.5 in the Project Document (development of the curriculum of the Police Academy relating to enforcement and implementation of international law and teaching skills strengthened) which the Project has not yet delivered. It is recommended that gender sensitivity training with respect to the handling of victims, witnesses and accused in criminal cases be included as an

element of such a targeted training. This particular need was also brought to the attention of the Evaluation Team by more than one interviewee.

**Chiang Mai University Course:** It is strongly advised that the Project complete a second Chiang Mai University Course. Given its benefits, it is recommended that this activity become institutionalised and made a regular annual occurrence. It is noted that the current CTA lectured in the 2007 Chiang Mai University course and received very positive reviews from the participants and it is recommended that he participate in the 2008 Course as well.

**Increase activities that will reach the provincial, district and local levels and the wide dissemination of information and materials on international law should be a focus of the remaining time in Phase II and for activities in the future.** Most participants in Project activities expressed the priority need to disseminate materials and information to the provinces, districts and villages. In this respect, the Project plans a workshop with the WHO on the Right to Health in the Spring of 2008, which will be targeted to provincial and other levels that will help to meet this need. In addition, the Project should consider selecting key materials for a CD-Rom to distribute – through those provincial governmental officials who have already participated in the Project activities and can act as facilitators to explain the information. A CD-Rom was requested by a district court judge during the evaluation round table in Thalath on 30 November 2007.

It is noted that Project support for Master's Candidate degree study abroad in international law was included and budgeted for in the original Project Document finalised in April 2005, but the identified beneficiaries were unable to meet required exam scores for acceptance. Since this is the case, it is recommended that the budgeted amounts be used instead for other activities (in particular, the Chiang Mai University course planned for 2008). Many scholarships are available for qualified candidates from least developed countries, and training to a larger group (that will result in greater preparation of a Master's Candidate without funding only the individual) is more cost effective. Should support of this type be undertaken during this Phase or in a future project on international law, the individuals should be asked to work for a period of time after the study period abroad or return the funds provided.

#### **For future activities in the area of international law**

Increasing participation in the international legal framework and the incorporation of international legal obligations into domestic law is a long-term process and long-term assistance is needed to further this process. Much has been done through the Project's activities and efforts over the past two Phases, but given the scope of the needs, much more remains to be done.

#### **Recommendations on substantive areas needing future assistance:**

**Continue to support work on increasing participation by Lao PDR in the multilateral treaty framework and in bilateral treaty-making.** In particular, it is important to continue providing support towards the ratification of the remaining 25 core UN treaties. This is an area in international law that needs additional assistance

and support over the coming period (in particular with respect to treaties such as the Corruption Convention, the ICCPR, the Rome Statute and the Ottawa Convention).

Increasing participation in treaties will benefit Lao PDR as well as involve obligations. Potential investors in the country will weigh the fact that Lao PDR is not party to the Corruption Convention and has insufficient anti-corruption measures taken in Lao law. Strong anti-corruption laws that are enforced encourage investment and the resulting socio-economic development.

**Develop and streamline the ratification process and improve the advisory role of the MFA Department of Treaties and Law in collaborating with other actors.** Having a national coordination mechanism is very important for the entire process of a country's participation in international agreements (from the consideration process prior to signing or becoming party; to the ratification; passage of necessary implementing legislation; informing the relevant ministries and agencies and the public about the new treaty/law; implementing the provisions of a treaty in the country and enforcing the requirements through the courts, for example). The obligations of multilateral treaties require the cooperation of many agencies and at all levels of Government (national, provincial, local). For each new treaty, there needs to be a review of current laws and adjustments made to ensure consistency with international law. Once this has been done, then the implementation is usually done at the provincial and local levels. Each agency has its own respective mandate; but that mandate is not enough to implement all obligations – which is why it is crucial for there to be a national coordination process with each ministry or agency providing a coordination focal point.

A new phase or project on international law and treaties should focus on the national coordination progress. For each convention, the ministries and agencies who have responsibility for which provisions should be made clear along with those who should enforce the provisions. Technical discussions with all ministries and offices on the steering committee should be held along with parliamentarians.

**Gap analysis between treaties and Lao law should be a priority for future activities in international law - prior, during and after ratification process.** Development in this area could reference the consultancy report on the “Reporting Obligations under International Human Rights and ILO Conventions; Lao PDR preparations, structure and procedures: some background and suggestions”, by Dr. Houy Pholsena, on the process and institutionalization to be done and model from the STEA Project. In this respect, the Project could prepare comparative analyses that identify key ministries and other actors implicated under each treaty and identify cross-cutting issues within a group of related treaties.

**Continue to support the Ordinance on treaty-making:** the Ordinance provides a roadmap that may be used as a valuable tool in addressing the incorporation (or transposition) of international law into domestic law. Once the Ordinance is signed, support should be given to making it readily available to relevant actors and coordinating advice on its provisions.

**Continue to work on monitoring and enforcement of treaties, in particular the reporting process to treaty and other international bodies, but**

involving those ministries and agencies actually responsible for the implementation. In this area, the MFA primarily acts as the “voice” to the international community and treaty bodies, while the main domestic responsibilities rest with other actors. Increase awareness of the MFA’s responsibilities in this area and increase cooperation among the ministries and other implementing actors.

**Development of national capacity in international law continues to be and will remain a long-term need.** Due to its primary responsibilities in the area of international law and relations, continued support to the MFA should be a focus along with continuing activities involving other relevant actors. With respect to the capacity of the Foreign Ministry’s Department of Treaties and Law in the monitoring of the implementation of international legal obligations of other States Parties to treaties, this was not addressed due to lack of time and capacity during the Project period and could be a useful element of future activities, in particular with relation to the reservation and objection practice of States parties to multilateral treaties.

In the area of increasing participation in international fora, support should be given to Lao PDR on preparing for and participating in Conferences and Meetings of States Parties to treaties (COPs and MOPs). The MFA may organize national discussion or coordination meetings two weeks in advance of the COP or MOP to discuss and prepare proposals for the statement to be made by the Foreign Minister at the meeting. Sharing of information and strategy with other ASEAN and UNESCAP members will assist Lao PDR as well with participating fully in these meetings.

**Focus more on support to bilateral and regional/sub-regional treaty making:** International law, international relations and the rule of law is concerned not only with multilateral treaties of universal importance, but also on the relations between and among States in their bilateral and regional treaty-making. The Project has supported the DTL in their relevant activities, but more can and should be done to support line ministries with treaty-related functions in their portfolios. Reference in this area is made to the importance of treaties within ASEAN and the Greater Mekong Subregion.

Given the Government of Lao PDR’s goals with respect to economic development and poverty alleviation, and with reference to the Project’s work and publication in 2006 on Private International Law agreements, **more emphasis should be placed on private international law in future activities related to international law.** In addition, support should be given to the negotiation and implementation of bilateral investment treaties and the subsequent enforcement. Given the GOL’s intentions with respect to the WTO, training in this area would be beneficial.

**Official Gazette development:** With respect to the question of whether international treaties to which Lao PDR has become party should be published in the Official Gazette, there has been discussion within the Foreign Ministry and also with the Ministry of Justice (responsible for the Official Gazette) about the appropriateness of publishing in full treaties that will subsequently be incorporated into Lao law upon their ratification. In addition, there is the matter of resource constraints with respect to all treaties ratified in the past (should the GOL “catch up” and publish them all or only those after a specified date) and those treaties that are substantial in size. Currently, the Project has engaged in the translations of the treaties ratified by Lao

PDR, but without being published in the Official Gazette. This issue remains outstanding. The Project should focus efforts during the remaining period of Project activities on assisting the Ministry of Justice in the decision-making in this area and studying State practice in this area (in particular those in the region, such as Viet Nam). The Evaluation Team recommends that all treaties to which Lao PDR becomes party, regardless of whether Lao laws are subsequently adopted or modified to implement them, be published in the Official Gazette, either in the main series or as an annual supplement on international agreements. Resource constraints may be minimized by only publishing in one authentic language plus Lao and only publishing those ratified or acceded to after a certain date.

**Fourth objective of developing national capacities in international law and negotiation:** Much has been done by the Project in the area of developing national capacities in international law. No activities have, however, in the Evaluation Team's estimation, developed national capacities in negotiation. Recommended actions in this area would be to collaborate with skills providers/trainers in this area and host negotiation simulations of international legal instruments. UNITAR provides training on the negotiation of international instruments and has a specific module on the environment and forestry, both areas of importance for Lao PDR. The Evaluation Team Leader is also aware of the FAO program on negotiation for developing countries in the area of food and agriculture. In addition, the WTO Secretariat provides developing countries with enhanced negotiation skills development and training opportunities (WTO Institute for Training and Technical Cooperation (ITTC)).

Participants in trainings in negotiation should include not only Foreign Ministry officials but also line ministry officials who may be involved in the negotiation of bilateral agreements with States on various issues. The recent negotiation of the bilateral investment treaty with Japan is illustrative of a need in this area and greater use of the UN treaty database would be of assistance in obtaining similar agreements concluded by States for comparative use in the negotiation of new agreements.

**As with the recommendation for the remaining Project period (see details above), a future Phase should consider convening targeted training for selected participants – in particular, for example, judges, prosecutors, lawyers and police on applying international legal principles in their work.**

**Cooperate closely with the National Statistics Centre in the Ministry of Planning and Investment in the preparation of reports to treaty bodies,** in particular the upcoming report to the ICESCR committee.

**Language training:** All participants in the Project activities that were interviewed emphasized the need to improve their language capabilities. Formerly organized by the Ministry of Justice, English-language trainings have been moved under the management of PACSA. Training and training materials should continue to be produced in English and Lao for the benefit of Project activity participants. Almost all participants in the Project activities interviewed stressed the benefit of being exposed by the Project to English language texts and materials and any future activities in the area of international law should also incorporate a language

component – not necessarily separate classes on English, but a certain amount of text comparison, exercises and speakers in English.

## **Recommendations on Structural Design for Future Activities in International Law**

**The National Assembly Project and GOL Legal Sector Master Plan connections<sup>1</sup>:** It is noted that the EC, in the TPR Meeting 2007, stressed “the importance of building on synergies and complementarities between” the International Law Project and the National Assembly project and that increasing coordination between the MFA and the National Assembly was discussed in a number of interviews. The National Assembly has responsibility for one part of the whole treaty-making and implementing process: the ratification, the passing of any required implementing legislation and oversight. The Foreign Ministry is tasked to liaise with many other actors in the area of international law and treaties. Input into the Legal Sector Master Plan was provided by Project and MFA Department of Treaties and Law staff and there is a clear priority that has been put on becoming party to treaties, incorporating international treaties into domestic law and meeting their obligations.

**Affiliating the Project with the Department of Treaties and Law in the Foreign Ministry has had both benefits and drawbacks.** The benefit is that the Project has been very effective in the delivery of outputs and held responsible directly for the outputs without spending a great deal of time negotiating with other co-departments, ministries or agencies. The Project has been able to complete such a high percentage of its outputs due to the streamlined nature of the Project Team and its location in one Ministry. This has, however, not greatly improved cooperation among departments within the MFA (Institute, Department of International Organizations, Department of Treaties and Law) and between and among other legal sector actors (in particular, the Ministry of Justice), despite the Project Team regularly co-hosting events with such actors and inviting representatives to all Project activities.

**While working on greater cooperation, however, it is recommended that future activities in the area of international law and incorporating and**

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<sup>1</sup> Relevant references in the National Assembly Project Document: “Ensure strong linkages with other Government of Lao (GOL) agencies, especially in the legal sector.” ... “Further, in order to improve coordination and linkages with other government institutions, a key focus will be to ensure that systematic linkages are built with other relevant projects of UNDP and other development partners.” “... provide training to NA members on Lao PDR’s international obligations.” Relevant references in the GOL Legal Sector Master Plan (2006 -2010): Section 1.4. Incorporating international treaties into the laws of the Lao P.D.R Pillar One Action Plan for developing the legal/regulatory framework Pillar 1 PROJECT 1.1: To identify official procedures and techniques for the drafting of laws, including the process for the incorporation of international treaties into the Lao legal system Subproject 1.1-1: The adoption of a “Law on Laws”. At this stage Lao PDR still needs to develop clearer procedures for both the adoption of domestic laws and regulation as at all levels as well as the process for participation in international treaties. ... “Prescription of the authority and procedure for signing and participating in international treaties to clarify the position of international treaties in Lao PDR’s legal framework and providing conditions and procedures for implementation to complete laws and regulations serving international economic integration.” (Implementation responsibilities: NA, MoFA, MoJ)

**implementing treaties in Lao PDR remain with a “lead” ministry and department. Because of the Project, the MFA Department of Treaties and Law is now well known as a resource for questions and matters of international law.** The staff is efficient and effective in project delivery and the information and resource centre is becoming increasingly used by many different actors in their work and research. Putting international law and treaties under a broader subject heading lead by a committee risks diluting the effectiveness of activities in this area. A wider legal sector programme is logical, of course, and furthers goals the Vientiane Declaration on Aid Effectiveness, but given the current state of development and the importance of ownership in the Lao context, it is the opinion of the Evaluation Team that widening the situation institutionally is not ripe.

In addition, to place activities related to international law within a greater legal sector program, fails to address those areas covered by international law and treaties that involve more than “legal sector” institutions. Human rights protected under the main international treaties, for example, implicate parts of the GOL and mass organizations that are not “legal sector” actors (in the areas of education, agriculture, health, etc.).

To address the need for increased contact and collaboration among the various ministries and bodies responsible for treaties, and make clearer the activities and responsibilities of each, it is recommended that national meetings of the type held on 24-25 September 2007 and chaired by the Vice Minister of the Foreign Ministry on the Current Status of Implementation of Treaties in Lao PDR be held annually. This would enable all line ministries and sub-departments to meet and report on activities related to incorporating treaties into Lao law and the implementation of treaties within their competence.

**Further activities in the area of international law should also encourage the regular participation in trainings of the officials in the Legal Department of the Prime Minister’s Office.** Since proposals for the ratification of or accession to international agreements are submitted to the Prime Minister’s Office before being forwarded formally to the National Assembly, benefits may be gained by placing greater emphasis on the officials in the Prime Minister’s Office responsible for legal issues and increasing their understanding of international law.

Connections between the Ministry of Justice Institute of Law Research and International Cooperation and the Department of International Organizations and the MFA Institute and the MFA Department of Treaties and Law in the area of international law: although there were many examples of collaborations during the current Phase of the Project, (for example, there was an organizing committee member from the Ministry of Justice Institute for the March 2006 workshop for northern provinces who presented on the legal framework of the Lao PDR for the implementation of ICERD and other human rights instruments; the Department of Treaties and Law co-hosted a workshop with the MFA), and the Ministry of Justice Institute, the MFA Dept of International Organizations and the MFA Institute were invited as participants to the Project’s activities, more could be done in this area.

**Workshops and trainings in the future should target smaller, focused groups of ministries, agencies, and judges or be narrowed by subject matter (for**

**example, in Luang Prabang only for the criminal justice system).** The Lao Bar Association should continue to be invited to trainings on international law and treaties relevant to their work.

**Tailor-made briefings to National Assembly members according to their schedules should be a priority in any future activities in this area.** Foreign Ministry officials should, as in the current period of implementation, provide specific information on international law as well as briefing notes on the treaties that will be submitted to the National Assembly in an upcoming session for ratification or for passage of implementing legislation. Shorter, targeted briefings will address both the needs of National Assembly members to understand treaties and their obligations and the scheduling challenges of the members.

A more actively involved Project Management Committee consisting of senior officers of the Ministry of Justice, Office of the Public Prosecutor, the Supreme Court, the Prime Minister's Office and the MFA, meeting regularly will assist with the development of greater coordination among the ministries and offices and with the supervision of the development activities of any new Phase or new project involving activities in international law. In addition, increasing regular meetings among the group of focal points (coordinating units) in the relevant ministries and agencies will also be beneficial in a future Phase.

For future study tours, it is recommended that the selection be made from a wider pool of possible participants while retaining a core of Foreign Ministry officials. This will serve not only to increase the knowledge of international law, but also to increase buy-in from other ministries and actors in Lao PDR and move away from the impression that these activities are "owned" by the Foreign Ministry.

It is suggested that the lessons learned and recommendations identified by this Evaluation Report be taken into account in the planning and execution of a future phase of activity or new project in international law. In the area of Project staffing, the use of the Project staff currently in position is encouraged if possible, as they are highly competent and have obtained a level of familiarity with international law. As noted above, the Project benefited in many ways by a full-time CTA to the National Project Team (expertise, legal knowledge, contacts for speakers at Project events, etc.). It is recommended that a CTA be engaged for a future phase of activity or new project in international law.

Evaluation Mission

Ms. Sherry Holbrook  
Team Leader

Mrs. Lithnarong Pholsena  
National Consultant

Mr. Phoukhong Sisoulath  
National Project Manager



## Biographies of the Evaluation Team

Ms. Sherry K. Holbrook is a Legal Officer in the Treaty Section of the United Nations Office of Legal Affairs. In this capacity, she provides legal advice and carries out the depositary duties of the United Nations Secretary-General and the registration of treaties pursuant to Article 102 of the UN Charter. Ms. Holbrook acts as focal point for the Section's rule of law trainings, which are targeted to governmental officials, treaty bodies and other depositaries. Before joining the UN Office of Legal Affairs in early 2004, Ms. Holbrook was based in Bosnia & Herzegovina as the Director of the Legal Department of the Property Commission formed by the Dayton Peace Agreement. Prior to this, Ms. Holbrook worked for a number of years as an attorney at the law firm Sullivan & Cromwell, in London and New York, representing governments and companies in international securities transactions and financings. Ms. Holbrook obtained her *juris doctor* from the University of California at Berkeley, School of Law, with the final year of her JD degree at Harvard Law School. She graduated with High Honors and obtained Bachelor of Arts degrees in both Anthropology and Dramatic Art–Dance from the University of California at Berkeley. Ms. Holbrook lectures on treaty law and practice, negotiation and mediation, and the human rights agreements deposited with the UN Secretary-General. Ms. Holbrook is an American national and a qualified attorney licensed to practice in New York State.

Mrs. Lithnarong Pholsena acted as the National Consultant on the Evaluation Team and her professional experience is as follows:

2003 – present	<i>Legal Advisor for Drafting Law on Women, Reviewing Penal Code, Draft Decree on Disabled Person (in process), Lao Disabled People Association, and support the water supply law experts (International expertise) tasks, particularly organizing workshops and follow-up activities (September).</i>
2004 - 2006	<i>Country Program Manager, Asia Regional Cooperation to Prevent People Trafficking, Immigration Department, Ministry of Public Security.</i>
2001 – 2002	<i>Deputy Director, Department of Judiciary Administration System, Ministry of Justice.</i>
2000 – 2004	<i>Member, National Committee for Trafficking in Women and Children, Ministry of Labour and Social Welfare.</i>
<i>Ad hoc participation</i>	
2001 – 2004	<i>Member, National Committee of Human Rights, Ministry of Foreign Affairs.</i>
<i>Ad hoc participation</i>	
1994 – 2004	<i>Member, Secretariat of the Committee on the Rights of the Child, Ministry of Foreign Affairs.</i>
<i>Ad hoc participation</i>	
2000 – 2001	<i>Deputy Chief, Cabinet, Ministry of Justice.</i>
1994 – 1999	<i>Deputy Director, Department of Judiciary Administration System, Ministry of Justice.</i>
1992 – 1994	<i>Judge, People's Court of Vientiane Municipality.</i>
1990 – 1992	<i>Technical Assistant, Department of Judiciary Administration System, Ministry of Justice.</i>
1980 – 1990	<i>Officer, Department of Foreign Affairs, Lao Women's Union (LWU).</i>
1990 – Present	<i>Resource Person for teaching National and International Laws.</i>

**Annex A: Programme of the Evaluation Mission  
International Law Project  
15 November - 7 December 2007**

<b>Thursday, 15 November 2007</b>	<p>Team Leader, Evaluation Mission, arrives in Vientiane</p> <p>- Meeting with Project Manager and CTA</p>
<b>Friday, 16 November 2007</b>	<p>Detailed requests for documentation relating to the project delivered to Project Team</p> <p>Administrative paperwork and ID, UNDP (Team Leader)</p> <p>Meeting with UNDP: Mr. Irene Dabare, Deputy Resident Representative, Operations, Mr. Sounthaly Sonephet, Acting Chief of Governance Unit Ms. Asao Shimizu, Programme Analyst, Governance Unit</p>
<b>Saturday &amp; Sunday 17 &amp; 18 November 2007</b>	<p>Review of documentation relating to the Project</p>
<b>Monday, 19 November 2007</b>	<p>- Attending the International Law Forum 2007 on Pacific Settlement of Disputes by ICJ and PCA, ICTC. - Interviewing participants in 2007 Chiang Mai Course:</p> <ol style="list-style-type: none"> <li>1. Ms. Kaysone Keomanykoth, Foreign Affairs Officer, National Assembly.</li> <li>2. Mr. Nouanekhamsay Vongpheth, National Police School, Ministry of Public Security.</li> <li>3. Mr. Silaphet Thinkeomueangnuea, Human Rights Division, Ministry of Foreign Affairs.</li> <li>4. Mr. Khampheng, Ministry of Foreign Affairs.</li> </ol> <p>National Consultant is hired and begins work</p>
<b>Tuesday, 20 November 2007</b>	<p>- Meeting with Assistant Project Manager - Planning and Reviewing all of documents relating to the Project</p>
<b>Wednesday, 21 November 2007</b>	<p>- Meeting with CTA - Preparing and arranging meetings - Meeting with Mr. OneVong Keobounavong, Head of the office for Child's Labour and Trafficking, Ministry of Labour and Social Welfare</p>
<b>Thursday, 22 November 2007</b>	<p>10:00 - Meeting with EU/EC Delegation: Mr. Carl Björkman, Programme Officer, Mr. Francesco Straniero, Attaché - Cooperation Section</p>

	14:00 - Meeting with Lao Disabled Persons Association (LDPA) - Mr. Singkham Takhounepkak , President - Mr. Somphet Akhavong , Member of Board Committee, Head of Information - Ms. Misuda Heuangsoukkhoun, Legal Consultant. 16:00 - Meeting with Project Manager
<b>Friday, 23 November 2007</b>	- Attendance (selected sessions) at Seminar on International Criminal Court and Civil Society Organizations - Meeting with People Supreme Court, Mr. Somboune Sonethikoummame, Vice President - Meeting with Ministry of Justice, Mr. Ket Kiattisak, Vice Minister - Meeting with police participants in Project trainings - Meeting with STEA (MEAs), Prime Minister's Office Mrs. Keobang A Keola, Acting Chief of Cabinet
<b>Saturday, 24 November 2007</b>	- Meeting with Ministry of Justice Mr. Ket Kiattisak, Vice Minister -Working on Mid-Term Evaluation Findings
<b>Sunday, 25 November 2007</b>	- Follow-up meeting with Project Manager and CTA - Working on interview notes
<b>Monday, 26 November 2007</b>	- Meeting with Ministry of Justice Mr. Kysinh Singphangam, Vice Minister and Member of NA - Meeting with Peoples Supreme Court Judge Kongchi Yancheua - Meeting with Lao Bar Association 1. Mr. Phivath, Member of Board 2. Mr. Saythong Inthavong 3. Mr. Sisouvong 4. Mr. Nounethong Vongsa - Meeting with Delegation of Finnish Government: Mr. Juhani Kortteinen, Expert for the Ministry for Foreign Affairs, Ms. Helena Ahola, First Secretary, Development Cooperation, Embassy of Finland to Thailand, Bangkok, Ms. Sanna Pulkkinen, Programme Officer, Unit for Asia and Oceania, Ministry for Foreign Affairs - Meeting with Ambassador Peter Wienand, Embassy of the Federal Republic of Germany - Meeting with Project Director - Meeting with CTA of NA Project, UNDP
<b>Tuesday, 27 November 2007</b>	- Meeting with Public Prosecutor's Office 1. Mr. Bounma Phonsanith, Investigator, Deputy Chief of Cabinet

	<p>2. Mr. Khammoune SengOuthai, Head of Administration Division</p> <p>- Meeting with Mr. Stéphane Vigié, Deputy Resident Representative, and Ms. Asao Shimizu, Programme Analyst, Governance Unit UNDP</p>
<b>Wednesday, 28 November 2007</b>	<p>- Meeting with MFA/DTL</p> <p>- Telephone Interview with Ministry of Public Security.</p> <p>1.Mr. Khamvongsa Khampanya, Cabinet</p> <p>2.Mr. Khensone Chanhbounkong, Cabinet</p> <p>3.Mr. Saysamone Kyleuaxay, Cabinet</p> <p>- Telephone interview with Mr. Homayoun Alizadeh, Office of the United Nations High Commissioner for Human Rights (OHCHR), Bangkok (TL)</p> <p>- Preliminary Finding Briefing at UNDP</p> <p>Outline of Report and PowerPoint Presentation</p> <p>- Depart for Thalath</p>
<b>Thursday, 29 November 2007</b>	<p>Project workshop, Thalath</p> <p>- Interview participants in the Project's previous provincial activities**</p>
<b>Friday, 30 November 2007</b>	<p>Workshop for Regional participants, Thalath (1/2 day)</p> <p>- Evaluation roundtable with all participants</p>
<b>Saturday &amp; Sunday 1 &amp; 2 December 2007</b>	Work on Mid-Term Evaluation Report
<b>Monday, 3 December 2007</b>	Work on Mid-Term Evaluation Report
<b>Tuesday, 4 December 2007</b>	<p>- Briefing for UNDP: Ms. Sonam Yangchen Rana, Resident Representative, Deputy Resident Representative and Programme Analyst, Governance Unit</p> <p>- Meeting with Law Faculty, International Relations Department, Mr. Sengpheth Outhay, Director</p> <p>2:00 p.m.: Telephone interview with Mr. Christian Brunner, Head of Regional Delegation, ICRC Bangkok</p> <p>3:00 p.m.: Ms. Anne Kullman, First Secretary, Embassy of Sweden, Vientiane, LAO PDR</p> <p>4:00 p.m.: Mr Samloy, Ministry of Public Works and Transport</p>
<b>Wednesday, 5 December 2007</b>	Draft evaluation report sent to Project Team, UNDP, EC Delegation, Finnish Delegation (End of Day)
<b>Thursday, 6 December 2007</b>	<p>11:00 a.m.: Meeting with Ms. Chansoda Phonethip, Deputy Director, Lao National Committee for the Advancement of Women - Secretariat</p> <p>3:00 p.m.: Meeting with Mr. Erik Haggqvist, Chief Technical Advisor, National University of Lao,</p>

	Faculty of Law and Political Science
<b>Friday, 7 December 2007</b>	<p>Comments/feedback incorporated into Evaluation Report</p> <p>Debriefing with National Project Director, Deputy Project Director, Project Manager and comments provided</p> <p>Debriefing with UNDP, Deputy Resident Representative, Acting Chief of Governance Unit, Programme Officer</p>
<b>Saturday, Sunday and Monday, 8, 9 and 10 December 2007</b>	Any further comments received (Finland); Final report distributed by email and signed; Project to print bound copies and for stakeholders

\*\* The Evaluation Team interviewed many participants from various agencies during the Thalath meeting, 29-30 November 2007:

1. Bolikhamxay Province:
  - Judge Phonekham Champaboupha from Provincial People Court
  - Mr. Amphone Lakphamixay, Investigator, Provincial Public Prosecutor
  - Lieutenant sykhanxay Xaymounty, Provincial Public Security
  - Ms. Bounleua Noymany, Lao Women's Union
  - Mr. Phaythoune Kithilath, NA member and Head of Provincial Education Section
2. Vientiane Province:
  - Ms. Chansone Kongdala, Investigator, Provincial Public Prosecutor
  - Judge Lengxong, from Provincial People Court
  - Mrs. Chanthaboune, Lao Women's Union
  - Mrs. Thonekeo Phanthanavong, NA member
3. Luang Prabang Province:
  - Ms. Xongxoa Xeuanou, Investigator, Provincial Public Prosecutor
  - Judge Thephakhone, Provincial People Court
  - Mrs. Bouachanh Singdala, Vice President of Provincial Lao Women's Union
  - Mr. Singkham Phommalth, Member of the Executive Committee Party, NA member
  - Colonel Somboune, Provincial Public Security
4. Vientiane Municipality
  - Ms. Onechanh Manyvanh, Investigator, Vientiane Municipality Public Prosecutor
  - Judge Phougeune Chanthanakhone, from Vientiane Municipality People Court
  - Mrs. Bouachanh Singdala, Vice President of Provincial Lao Women's Union
  - Mrs. Bang One Sayalath, NA member
  - Colonel Vilaphone Phayboune, Vientiane Municipality Public Security

5. Xiengkhouang Province

- Ms. Chanhkhay Southichack, Investigator, Provincial Public Prosecutor
- Judge Sivong Outhisack , from Provincial People Court
- Mrs. Sengklam Xongsana, Vice President of Provincial Lao Women's Union
- Mr. Somdy Sithilath, NA member
- Colonel Khamphet Sosamphanxay, Head of Provincial Public Security

6. Vientiane Capital

- Mrs. Chanthasone Bounkhong, Head of Legislation Division, Legislation Department of the MoJ
- Mr. Kingphet Vanchaleune, Head of Foreign Relationship Division, Ministry of Defense
- Mr. Phetsamone Phanthavong, Chief of Cabinet, Office of the President
- Mr. Viengkeo Souksavathy, Deputy Director of Culture Heritage, Ministry of Information and Culture

## **Annex B: Terms of Reference of the Evaluation Mission**

### **INTERNATIONAL CONSULTANT AND NATIONAL CONSULTANT MID-TERM EVALUATION OF THE 2ND PHASE OF THE INTERNATIONAL LAW PROJECT**

**Project:** Enhancing the Contribution of International Law to the Strengthening of the Rule of Law in the Lao PDR (00045032)  
“International Law Project Phase II”  
**Executing agency:** United Nations Development Programme (UNDP)  
**Duration:** 20 working days in Vientiane (for the international consultant, additional 2 working days to finalize the final evaluation report is required)  
**Deadline for application:** 6 October 2007  
**Expected start date:** 05 November 2007

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#### *CONTEXT OF THE EVALUATION AND RECOMMENDATION MISSION*

##### **Background**

The Lao People's Democratic Republic was established in 1975, at first taking the road of a traditional socialist system. In 1986, the Government of the Lao PDR (GoL) launched a New Economic Mechanism ("NEM") to establish the policy and legal framework for a modern market economy to replace its centralized, command economy. The Lao PDR faces unique human development challenges but at the same time actively promotes the achievement of the Millennium Development Goals. In order to provide a stable environment for economic development of the country, the GoL places a high priority on establishing the Rule of Law to support socio-economic transition. In this context and to enable regional as well as global integration high priority is given to join the international legal framework.

An International Law Project commenced in June 2001 with funding from the Government of Finland and UNDP. Originally due to have been concluded in June 2004, it was extended until the end of the first Quarter of 2005. The Government implementing partner is the Department of Treaties and Law of the Ministry of Foreign Affairs (DTL/MoFA). This First Phase focused on Strengthening the Process of Signing, Ratifying, Implementing and Monitoring International legal Instruments in the Lao PDR.

The second phase started in May 2005 and is due to be completed by May 2008. This second phase is funded by the Government of Finland, the EU and UNDP.

The main objectives of the current phase of assistance are:

- Increased participation in the International Legal Framework by the Government of the Lao PDR
- Improved Incorporation of International Law into the Domestic Legal System
- Enhanced Implementation, Enforcement, Monitoring and Reporting under International Legal instruments obliging the Lao PDR
- Developed National capacities in International Law and Negotiation.

Indeed, during the last years a great number of relevant treaties have been acceded to in the field of trade, security, humanitarian law, transportation, terrorism, human rights and so on.

##### *Other UNDP Programmes*

The second phase, although exclusively focusing on international legal instruments, should nevertheless be seen in the wider context of other UNDP programmes in the legal sector, like the

- Development of the Lao PDR Legal Sector Reform Programme;
- Enhancing Access To Justice Through The Lao Bar Association; and
- Strengthening the National Assembly of the Lao People's Democratic Republic.

These programmes present an opportunity to ensure a more coordinated approach to Lao PDR's participation in the international legal framework, with improved understanding by all key government stakeholders of the implications for domestic law. Furthermore, effective procedures for coordinating implementation and reporting on treaties are part and parcel of this broader context.

### *The Responsibilities of and Challenges Facing the Department of Treaties and Law*

The Department of Treaties and Law (DTL) at the Ministry of Foreign Affairs (MFA) is the focal point for several aspects of international law, particularly human rights and humanitarian law, and it provides support to the various governmental institutions in this regard. It is responsible for all issues considered by the UN General Assembly's Third (Humanitarian Affairs) and Sixth (Legal) Committees. Signing, ratifying and reporting relating to treaties requires a high degree of technical knowledge from those involved in advising Governments. Further, those responsible clearly need to be well informed on current developments on relevant issues and should be acquainted with procedures in key fora, such as the UN, both in NY and Geneva.

Under the existing practice, the process relating to signing international instruments usually begins with line ministries submitting proposals for signing to the Ministry of Foreign Affairs, which in turn forwards the same to the Prime Minister's Office with relevant observations. Similarly, reporting on compliance too begins with the line ministries, or national ad hoc committees. However, the MFA (and the Department of Treaties and Law in particular) is frequently mandated to coordinate with other line ministries concerned with the task of both preparing and presenting the reports. The MFA represents the Government on international bodies and therefore carry the burden of dealing with the consequences of reports not being submitted. Even where representatives of line ministries may attend MFA-convened discussions relating to reporting, basic information essential to formulating the report is often not made available in a timely manner thereafter.

Intra-Ministerial co-ordination and co-operation within the MFA deserves proper attention, specifically, the functional division of labor regarding international law between the DTL's Division of Treaties and the Division of Legal Affairs and between DTL and the MFA's Department of International Organizations. Responsibility for all activities for all treaties both bilateral and multilateral at the stages of preparation, signing and ratification in the Division of Treaties and all post ratification stages for all treaties, notably implementation, monitoring and enforcement with the Division of Legal Affairs. Reporting under treaties, however, needs to be embedded in a proper structure, with the DTL's Human Rights Division playing a key role, together with the newly opened Lao PDR permanent mission in Geneva (late summer 2007).

The status of international law in the Lao PDR is been clarified greatly since the Government's agreement on a Draft Presidential Ordinance on Treaty Making and Implementation. The Ordinance will provide a good basis for the preparation of a Law on Treaties in the Lao PDR, now planned to be presented to the National Assembly in 2010.

Once the country has signed and ratified international treaties, there is a need to harmonize domestic legislation to be in line with such treaties. This is still an area which needs proper attention. One strategy to secure both application and timely and effective reporting is to carefully consider the consequences of becoming a party to a treaty or convention before signing or ratifying the same. It may sometimes be necessary to align domestic law with the provisions of the treaty or convention and establish a mechanism for monitoring and reporting *prior* to ratification. In any case, the reporting mechanisms under the various treaties bring divergences to light and enable the authorities to take or propose proper action. By doing so, the negative impact of non-compliance will be avoided.

### *The Objectives and Achievements of the Current Phase of Assistance*

The Evaluation identifies the following as the main result areas of this current phase/project: Project activities have enabled officials of the Ministry of Foreign Affairs to delve deeply into international law. The following methods would appear relevant

- Exposure at international fora (Human Rights Council, GA Committee III, etc)
- Participation in international seminars (The Hague, Helsinki, KL)
- The invitation of high-level experts to hold seminars in the Lao PDR
- Intensive classes/courses in both international law and the English language (CMU)
- Study Tours (VN, Singapore)
- Publication and follow-up of activities and findings (Newsletter, Handbook)

### *Challenges Encountered in the Current Phase of Assistance*

During its course, the project has encountered a number of significant challenges, including:



- The lack of project ownership from outside DTL: the project faced difficulties in terms of getting commitment from senior government officials and officials from other divisions
- The lack of understanding of linkages between MFA and other legal sector institutions on international legislation
- Proper coordination and cooperation with the MFA's Institute
- The activities requiring coordination and contribution of different divisions in the Department of Treaties and Law have progressed, but there should in fact be significantly more involvement of other departments and legal sector institutions.<sup>1</sup>

*Coordination with other legal institutions*

A Project Management Committee (PMC) consisting of senior officers of the Ministry of Justice, Office of the Public Prosecutor, the Supreme Court, and MFA, supervises and coordinates the development activities of this project. These efforts at coordination have borne significant results.

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<sup>1</sup> For instance, the Department of International Organizations deals with conventions on disarmament, weapons and the environment; the Department of Protocol with immunities and privileges of diplomats and the Department of Economic Affairs with economic matters including accession to the WTO instruments.

## **GOALS OF THE EVALUATION MISSION**

*The purpose of this evaluation mission is to see whether the second phase of this project can be considered to have been successful, and to prepare the way for a possible subsequent phase, if indeed such a phase would be deemed necessary and/or useful.*

### **Objectives**

Based on the project evaluation, the issues presented above, as well as other documentation and the discussions held during the mission, the mission team will evaluate the second phase of the International Law Project at the Ministry of Foreign Affairs in Lao PDR. To this end, the consultancy will carry out the following tasks.

- Assess the progress towards achievement of the project objectives as outlined in the initial project document;
  - Look into the relationship between this project and the National Assembly Project as well as the longer term strategic Legal Sector Master Plan (2006-2010) of the Lao Government;
  - Assess the structure and performance of the project management team and support provided by UNDP;
  - Identify lessons learned, from the implementation of the project's activities;
  - Provide guidance and specific recommendations on how the project team and UNDP can improve performance (both substantive and management) during the remaining duration of the current project; and make recommendations for the remainder of Phase 2, as well as for a subsequent phase, if such a follow-up phase is deemed necessary and feasible.
  - Provide guidance and specific recommendations for future support in the area of international treaties and law (as applicable) for both the Lao Government and UNDP to consider.
- In order to complete this assignment, the consultants would be expected to prepare for stakeholder meetings and workshops at the central level and undertake field trips to one or two provinces to get insights into the workings and impact of the project. Prior to completion of the assignment, the consultants would be expected to debrief the UNDP Resident Representative and/or her designate on the findings.

### **Expected Outputs**

- Draft Outline of the Mid-Term Evaluation Report
- Powerpoint Presentations on preliminary evaluation findings for stakeholders
- Draft Mid-Term Evaluation Report (for review/comments from the project team, donor partners and UNDP)
- Final Mid-Term Evaluation Report, including an Executive Summary, clearly articulated recommendation section, and annexes as required.

### **Issues for Consideration**

The project document is expected to span the remainder of the present phase of assistance (based on rough budget and funding estimates provided by UNDP), and it should take into account the following important factors relating to both the substantive focus of the new phase as well as procedural/management issues, in addition to other possible critical factors identified during the mission:

There is a need for accelerated capacity -building of government legal staff. In this regard, the team should look to activities and outputs that could continue the process hitherto undertaken. Reference manuals on international law for self-learning could also be considered. The team should review the human resources management practices and strategy of the MFA to look for possibilities for improvement.

In terms of process, it is critical that the evaluation should involve not only the current project management, but also all key national stakeholders: leadership and relevant departments in the Ministry of Foreign Affairs (especially the Treaties and Law, International Organizations, and International Cooperation Departments and the Institute of Foreign Affairs), the National Assembly, Ministry of Justice, People's Supreme Court, Office of Supreme People's Prosecutor, legal sector institutions including Lao Bar Association and the Faculty of Law as well as MoJ's Judicial Training Center, other line ministries, mass organizations, the Lao Women's Union in particular, social organizations like LDPA, donors active in the legal sector (including Finland EU, SIDA, AusAid, Norad et al.), in addition to relevant UN agencies (UNDP, Unicef, WHO, UNODC, UNOHCHR) and other international agencies like the International Committee of the Red Cross (ICRC).

Special attention needs to be paid to the role of the National Assembly and the issue of transposition, national incorporation and harmonization of laws

### **ORGANIZATION OF THE MISSION**

#### **Composition of the Mission**

The evaluation mission is to be conducted by a core team of three: an international legal consultant, acting as the team leader, together with a national legal consultant and a designated representative from the Ministry of Foreign Affairs. Representatives of donors, the Government of Finland and the European Union, will participate in parts of the mission, as will project staff of the current phase of the project and the UNDP Country Office.

**The team leader/international consultant** should be an expert in the field of international law, including an in-depth knowledge of human rights law. S/he should possess a Masters Degree in international law or related field. S/he should have at least 10 years of relevant experience in formulating, implementing and evaluating of development projects in the field of international law, particularly in South East Asia, preferably in the Lao PDR. With a sound understanding of the overall development context (social, economic and political) in the Lao PDR, s/he should be able to assess and prioritize the needs and possibilities for the new project, its linkages and potential impact on the overall development of the Lao PDR. The team leader should be familiar with participatory techniques in project evaluation and formulation and have the skills to coordinate and manage the contribution of the team members and a broad range of stakeholders. Demonstrated understanding of HRBA preferred, particularly with regard to gender mainstreaming.

**The national legal expert** should have substantive knowledge of the Lao legal sector, and an understanding of international law and the country's international obligations. S/he should possess an Advanced Degree in international law or related field. S/he should have at least 5 years of work experience in working in the legal sector in the Lao PDR. S/he will support the team leader in all aspects of the evaluation and formulation mission, but especially in providing the understanding on the functioning and practices of the Lao legal system. S/he will also assist in interpreting and translating when necessary. Excellent communication in English and Lao (oral and written) is required.

**The representative from the Ministry of Foreign Affairs** should be a senior government official, preferably already affiliated with the current phase of the project. S/he should also have strong networking and coordinating skills, and assist in arranging and facilitating meetings.

**The Government of Finland and EU** as the donors of the project are also likely to appoint observers to take part in the mission, and consultations are under way in this regard.

#### **Duration of the Mission**

The mission will be conducted from 5 -30 November 2007 for a duration of 20 working days including report writing. The draft report should be available by the end of the mission. This will need to be revised upon receipt of feedbacks from all parties concerned. The mission will require a total of 20 days each for team leader and the national expert. In addition, the team leader has 2 days extra for report finalization after the mission.

#### **Mission Methodology**

At the beginning of the mission, the team leader should consult with the other team members and UNDP to propose a detailed plan on conducting the mission, describing the tasks to be performed by the different team members, a time schedule for the mission and a table of contents for the evaluation report. The methodology will include a desk review of documents as well as interviews with a wide range of stakeholders.

The main donors to the project, Finland and EU, need to be consulted in-depth, either through discussions with their representative observers or via telephone/email interviews.

Relevant documentation will be provided to the team members prior to the mission. The evaluation team will undertake a thorough desk review of all project documentation and reports available, in order to familiarize itself with the latest project activities and results.

The available documentation includes but is not limited to the following:

- Human Development Reports Lao PDR
- Governance Policy Papers

- Legal Sector Evaluation reports
- Project document
- Project Reports – Annual Progress Reports, Audit reports
- Newsletters, Handbook
- Mission Reports – short term consultancy services:
- The Constitution of the Lao PDR

The team will also need to review the information management system for the library/archive that has been established and arrangements for its maintenance.

### **Reporting**

The consultants will conduct this mission in close collaboration with the Project Team as well as the Governance Unit of the UNDP country office. UNDP will coordinate with the Ministry of Foreign Affairs to make the arrangements for the mission, including preparation of mission schedule, related information resources, technical inputs and clarifications, logistics et c. The consultants will be allocated office space in the project office in the MFA, with additional support provided by UNDP.

### **Annex C: Documentation Reviewed**

1. International Law Project, UNDP Project Document
2. Human Development Report, Lao PDR (2006)
3. Legal Sector Master Plan (2006-2010) of the Government of Lao PDR
4. “Evaluation of the Implementation of the Rule of Law in Lao PDR, 1997-2003, Lessons and Challenges”, UNDP, Vientiane, October 2003
5. Common Country Assessment, United Nations, Vientiane, Lao PDR, 2006
6. “Priority areas for Governance Reform: Public Service Reform, People’s Participation, Rule of Law and Sound Financial Management; A Policy Paper of the Government of Lao PDR on Governance Issues”, Vientiane, March 2003
7. Project Reports:  
Annual Project Reports: May 2006 and March 2007  
Audit Reports (2005, 2006)  
Reports for Tripartite Donor Meetings (held on 12 May 2006 and 29 March 2007)
8. Lao International Law Newsletters (see also Annex I) All ten issues have been printed and distributed in English. Issues 1-4 of 2006 have been printed and distributed in Lao. Issue 5/6 of 2006 and Issues 1 and 2 of 2007 are currently being printed in Lao. Issues 3 and 5 of 2007 are currently in translation or undergoing revisions. Issue 4 remains untranslated.
  - a. Volume 1, No. 1, February/March 2006 (Inaugural Issue)
  - b. Volume 1, No. 2, April/May 2006 (Special Issue on the occasion of the April 2006 Seminar on Land Transportation)
  - c. Volume 1, No. 3, June/July/August 2006
  - d. Volume 1, No. 4, August – October 2006 (Special Issue on the occasion of the September 2006 Seminar on Private International Law)
  - e. Volume 1, No. 5-6 - November/December 2006
  - f. Volume 2, No. 1 – January/February 2007
  - g. Volume 2, No. 2 – March/April 2007
  - h. Volume 2, No. 3 – May/June 2007
  - i. Volume 2, No. 4 – July/August 2007
  - j. Volume 2, No. 5 - September/October 2007

9. Consultancy Mission Reports:

“Integration of Selected Lao Laws with Selected International Instruments”, Dr. Jayampathy Wickramaratne, Attorney-at-Law, President’s Counsel, December 2005

“Reporting Obligations under International Human Rights and ILO Conventions; Lao PDR preparations, structure and procedures: some background and suggestions”, Dr. Houy Pholsena, Lao National Legal Advisor, November 2006

10. International Law Forum – 2006 Forum Papers (texts of presentations, reference materials), 2007 Forum Papers (texts of presentations, reference materials)

11. Constitution of Lao PDR, as amended, 2003

12. Minutes of Monthly Project Meetings:

- a. 23 & 26 May 2005
- b. 26 September 2005
- c. 12 August 2005
- d. 13 December 2005
- e. 2 February 2006
- f. 16 March 2006
- g. 2 May 2006; and minutes from follow-up meeting on 19 May 2006
- h. 16 June 2006 (meeting to discuss certain issues; CTA/UNDP)
- i. 31 July 2006
- j. 21 August 2006
- k. 27 September 2006
- l. 30 October 2006
- m. 30 November 2006
- n. 27 February 2007
- o. 30 March 2007
- p. 27 April 2007
- q. 15 June 2007
- r. 25 July 2007
- s. 30 August 2007

13. Reports on Project activities:

Reports by overseas visits/study tour participants

International Law (monist vs. dualist systems), Manilla, Philippines, 7 participants, 28 May – 1 June 2007

International Law (monist vs. dualist), Pt. 2, Singapore, 7 participants, 4 – 6 June 2007

Human Rights, Hanoi, Viet Nam, 2 participants, 17 – 20 April 2007

International Humanitarian Law, Kuala Lumpur, Malaysia, 3 participants, 6 – 11 August 2007

Advanced Course Training on the international protection of human rights, Turku, Finland, 1 participant, 13 – 24 August 2007

20<sup>th</sup> Helsinki Summer Seminar on International “Tensions in the Law of Treaties”, Helsinki, Finland, 20 – 31 August 2007

Summer Course on Public International Law, the Hague, the Netherlands, 2 participants, 22 July – 12 August 2007  
 Attendance of Meetings of the Third and Sixth Committees of the General Assembly during the 61<sup>st</sup> Session of the GA of the UN, 2 participants, 1 – 13 October 2006  
 19<sup>th</sup> Helsinki Summer Seminar on the WTO in Global Governance, Helsinki, Finland, 1 participant, 14 – 25 August 2006  
 Summer Course on Private International Law, the Hague, the Netherlands, 2 participants, 10 – 18 July 2006  
 Summer Course on Public International Law, the Hague, the Netherlands, 2 participants, 31 July – 18 August 2006  
 Attendance of the First Session of the Human Rights Council, New York, UN Headquarters, 2 participants, 19 – 30 June 2006  
 Study Mission on Arbitration and Settlement of Disputes, Singapore, 3 participants, 13 – 17 February 2006

Summary Report on “The organization of a mobile library and the dissemination of the information on international law to the Faculty of Law and Political Sciences of the National University and the Police Academy, 27 and 29 June 2006, respectively

Seminar/workshop materials and evaluations: Review of binders from project activities (see those listed in Annex E)

14. Draft Presidential Ordinance on Treaty Making and Implementation
15. Rome Statute of the International Criminal Court overview book (bilingual)
16. Draft Lao PDR International Law Handbook; includes *International Law and the Lao PDR: Its relevance and Impact*; paper for MFA and Lao PDR Ambassadors gathered in Vientiane (incorporated into International Law Handbook)
17. List of Multilateral Treaties to which the Lao PDR is a party, compiled by DTL/MFA with support by the Project, September 2007 (second printing with an updated preface)
18. Lao PDR: Overview of International Legal Instruments (list), September 2007
19. United Nations Children’s Cartoon Book; published by UNIS, BKK on the initiative of the Project
20. National Assembly Project, UNDP Project document
21. Enhancing Access to Justice through the Lao Bar Association, UNDP Project document

## **Annex E: Project Activities**

### **May 2005 – November 2007<sup>1</sup>**

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#### **January – November 2007**

##### ***January***

- Provisional launch of Project website (www.ilp.gov.la); website finalised September 07
- 26 January: Project working group
- 31 January: Project Meeting
- January-February: Consultancy ICERD report

##### ***February***

- 16 February: MFA Seminar, 65 participants
- 20-22 February: Preparatory mission to Chiang Mai University
- 26-27 February: Auditors' visit
- 27 February: Project Meeting

##### ***March***

- 6-7 March: Thalath, Seminar on ICESCR and Right to Work (organized w/ILO), 70 participants
- 14 March: Lan Xang, Seminar on Convention on Persons with Disabilities/ICESCR, (organized w/ LDPA), 50 participants
- 15 March: Thaket, provincial workshop, Int'l Law/HRs, 80 participants
- Lao International Law Newsletter (LILN), issue #1
- 19 March: Lecture at Savannakhet Law School (by DNPd), 100 participants
- 20 March: Savannakhet, provincial workshop, Int'l Law/HRs, 80 participants
- 29 March: TPR Meeting
- 30 March: Project Meeting

##### ***April***

- 2-4 April: Seminar and meetings w/Morten Kjaerum, member of the ICERD Committee (featured in VTE Times, 4 April), 70 participants
- 4 April: Morten Kjaerum, member of the ICERD Committee, lecture at Faculty of Law, 120 participants
- 11 April: Seminar w/ICRC, International Humanitarian Law, 180 participants (featured in the VTE Times, 13 April)
- 18-20 April: Study Tour Viet Nam, 2 participants HRs  
2 male (0/100%)  
1 MFA, 1 Human Rights Centre (National Social Sciences Academy)
- 21 April-26 May: 16 Lao official International Law course + English at Chiang Mai University, 4 female; 12 male (22%)  
9 MFA (including 8 DTL and 1 Institute of Foreign Affairs)

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<sup>1</sup> Activities took place in Vientiane unless otherwise noted.



7 participants from line ministries, National Assembly and other (Ministry of Justice, Ministry of Information and Culture, Ministry of Defense [check spelling], Ministry of Public Security, Human Rights Centre, National Assembly (Foreign Affairs Committee))

1 Faculty of Law Professor

- Issued first draft of *Lao International Law Handbook* (used at CMU course)
- 27 April: Project Meeting

## **May**

- 2 May: Lunch meeting between Project, UNHCR and MFA
- 4 May: Seminar on Convention on the Rights of all Persons with Disabilities (w/LDPA), 40 participants
- 13-18 May: Lecture at Chiang Mai University (by CTA)
- 15 May: Project Meeting
- 16 May: Publication in VTE Times on Lao accession to ICESCR
- 18 May: Seminar on International Environment Law and Human Rights, w/STEA, 40 participants
- 22 May: Thalath, Seminar on disabled rights and ICESCR (organized w/LDPA), CTA and DNP, 45 participants
- 25 May: Seminar on the Convention on the Protection against Enforced Disappearance, 49 participants
- 28 May – 6 June: Study Tour Philippines and Singapore, incorporation and transposition of International Law into National Law, 7 participants  
2 female; 5 male (28%)  
2 MFA  
2 NA  
1 MoJ  
1 Supreme Court  
1 OSPP
- 29 May: Saravan, seminar on disabled rights and ICESCR (organized w/LDPA), DNP, 45 participants
- Lao International Law Newsletter (LILN), issue #2

## **June**

- 1 June: Pakse, Seminar on the Convention on the Rights of Persons with Disabilities/ICESCR, (DNP), organized w/LDPA, 50 participants
- 7 June: Seminar on International Environment Law and Human Rights, Luang Prabang (CTA), organized w/STEA, 60 participants
- 12 June: Seminar on the Convention on the Rights of all Persons with Disabilities /ICESCR, Oudomxay (DNP), 45 participants
- 15 June: Seminar on the Convention on the Rights of all Persons with Disabilities /ICESCR, Luang Prabang (CTA), organized w/LDPA, 45 participants
- 26 June: Seminar w/MFA Institute focusing on human rights mechanisms in ASAEN, with Professor Merlin Magallona as expert, 40 participants
- 27 June: Professor Merlin Magallona lectures at Faculty of Law, 100 participants
- 28 June: Seminar on International Environment Law and Human Rights, DNP, Pakse, organized w/STEA, 60 participants

### *July*

- The Hague, Academie de Droit International (Public): 2 participants, 3 weeks  
1 female, 1 male (50%)  
100% MFA
- ICERD field trips were undertaken by a team to 5 provinces (Borikhamxay, Khammuane, Savannaket, Vientiane and Xiengkhuang) and to the NT2 and Xepon gold/ copper mining projects to gather further data and information needed for the improvement of the current draft ICERD report of the Lao PDR. The team consisted of representatives from MFA, NA (Ethnic Affairs Department), Lao Front for National Construction, Ministry of Justice, the National Social Sciences Academy Human Rights Centre, Institute of Ethnic and Religious Research and the national consultant on the ICERD reporting engaged by the Project.  
During the trips, the main provisions of ICERD as well as the Committee's concluding observations and recommendations on the last report of Lao PDR were also introduced by the team and discussed with the provincial and other concerned authorities). Altogether 150 participants.

### *August*

- 6-7 August: Provincial Seminar, Bokeo, ICESCR, HRBA, Rule of Law, 71 participants
- 16-17 August: Thalath, List of Priority Treaties for Lao PDR, Project Working Group, ICERD, 70 participants
- 20-31 August: Helsinki, Seminar on Treaty Law: *new challenges*, 2 weeks  
2 male (0/100%)  
2 MFA 100%
- 12-24 August: Turku/Åbo, Seminar on Human Rights, 2 weeks, 1 participant  
1 female (100/0%)  
1 MFA (100%)
- 6-11 August: Kuala Lumpur, IHL seminar, 10 days, 3 participants  
1 female; 2 male (33%)  
3 ministries: MFA, Ministry of Defense, MoJ

### *September*

- 19 September: Workshop on Remedies (w/OHCHR and LBA), 80 participants
- 20 September: Workshop on Human Rights Based Approach (w/OHCHR and UNDP), 80 participants
- 24-25 September: National Meeting chaired by Vice Minister of Foreign Ministry on the Current Status of Implementation of Treaties in Lao PDR (all line ministries and sub-departments attended and reported on activities related to incorporating treaties into Lao law and the implementation of treaties within their competence), 70 participants
- 27-28 September: Thalath, Follow-up workshop to National Meeting held on 24-25, on the process to implement treaties into Lao law; new ordinance on treaty-making, dualist/monist systems, 70 participants

### ***October***

- 15 October – 2 November: Two participants GA 3<sup>rd</sup> and 6<sup>th</sup> Committee, New York  
2 male 0/100%  
2 MFA
- 3 October: ICRC w/support from Swiss Embassy (BKK): International Humanitarian Law/Weapons, 70 participants
- 16 October: World Food Day (w/FAO) event and workshop on the Right to Food, 100 participants

### ***November***

- 19 November: International Law Forum, ICJ/PCA (250 participants)
- 23 November: EU-hosted Seminar on the ICC (CTA gave lecture), 55 participants
- 23 November: Lecture at Faculty of Law faculty, Vientiane (CTA+PM), 70 participants
- 28-30 November: Thalath, Provincial Seminar; Selected Topics on International Law, 60 participants

### ***Throughout the first half of the year (Jan through June)***

A number of Friday afternoon mini-seminars, MFA Department of Treaties and Law

### **Other “advocacy” activities; various lectures 2007**

- Vientiane College (4x)
- Vientiane International School (4x)
- VTE Law Faculty (6x, incl Kjaerum, Magalano, Homayoun, - and rep DHRI)
- Lecture for NGOs (2x, CARE)
- Lectures for Bar Association

## **January – December 2006**

### ***February***

- 16 February: Workshop of Draft Ordinance Acceptance Treaties, 40 participants
- 23-24 February: One participant ASEM seminar (on human rights) Budapest  
1 male 0/100%  
MFA (Director of Human Rights Division)
- 13-17 February: Arbitration study tour Singapore, 3 participants  
3 male 0/100%  
MFA

### ***March***

- 2-3 March: Workshop Xiengkouang, International Law and Human Rights, 66 participants

- LILN#1

### ***April***

- 3-4 April: Transportation seminar, Lane Xang, with 2 resource persons from UNESCAP (Mr Yuang, Ms Karandawaala), 75 participants
- 23-27 April: Resource person RWI Pakse (Judiciary, Bar, Police)
- 28-29 April: Consultation Workshop on harmonization Lao legislation and international human rights standards, Talath, 57 participants

### ***May***

- 4 May: Rights Based Approach with OHCHR (Bangkok) resource person (Ms Upalaa), 60 participants

### ***June***

- Mobile library, mobile lectures:
  - Faculty of Law 27<sup>th</sup> (100 participants); - Police 29<sup>th</sup> (50 participants) - Bar Association 30<sup>th</sup> (30 participants)
- 19–30 June: Two participants at Human Rights Council (and meetings with the Swiss Foreign Ministry, other Embassies and international organizations, OHCHR, UNHCR, ICRC to explore the opening of a Permanent Mission in Geneva), 10 days  
2 male 0/100%  
2 MFA
- LILN#2
- Paper presentation by CTA to MFA and Lao PDR Ambassadors gathered in Vientiane on *INTERNATIONAL LAW AND THE LAO PDR: its relevance and impact*, (100 participants)

### ***July***

- 10–28 July: Two participants Hague Academy International Law  
2 male 0/100%  
2 MFA
- Publication bilingual Rome Statute (ICC) overview book

### ***August***

- 24-25 August: Workshop Vang Vieng, general principles international law, 60 participants
- 13-25 August: One participant WTO workshop Helsinki  
1 male 0/100%  
MFA
- Lecture at Workshop for Women's Caucus of the National Assembly (by NPD), (30 participants)
- 31 July–18 August: Two participants in the Hague Academy International Law  
2 male 0/100%  
1 MFA, 1 Faculty of Law, Professor
- Publication of project paper on role of International Law for Lao PDR
- LILN#3

### ***September***

- 18-19 September: Private International Law Seminar with two resource persons from HCCH (Mr Bernasconi, Ms Stikkelbroeck); ICTC, 160 participants
- Lecture at Transnational Organized Crime workshop organized by UNODC (by NPD)

### ***October***

- 19-20 October: Roundtable on the Right to Education, Talath (with two Stockholm University resource persons) 80 participants
- 2-13 October: Two participants GA 3<sup>rd</sup> and 6<sup>th</sup> Committee, New York  
1 female, 1 male 50%/100%  
2 MFA
- LILN #4

### ***November***

- 1 November: International Law Forum (key note by former UN Legal Counsel Hans Corell); ICTC, 268 participants
- 3-7 November: MFA Institute / Law faculty / NOSPA: Seminar with Russian Int'l Law expert, 200 participants
- 14 November: Workshop Consultancy Streamlining reporting under Human Rights Conventions, 55 participants
- 25-26 November: CEDAW Seminar; resource person CEDAW Committee member Dr. Tan, 139 participants

### ***December***

- 6-7 December: Pre Session National Assembly (together with NA project); resource person: Mr Visser, Parliamentarian, 133 participants
- 8 December: Anti Corruption Seminar to mark Anti Corruption Day (hosted together with GPAR and UNODC) ICTC, 405 participants
- Merger of ASEAN library with IL2 library of materials; hiring of a staff librarian
- 21-22 December: MFA Treaties and Law Roundtable, Talath, 70 participants
- LILN#5

### ***Throughout the year***

A number of Friday afternoon mini-seminars, MFA's Department of Treaties and Law

### **Other activities during 2006**

- Assistance towards the preparation and decision-taking on the opening of a permanent mission in Geneva
- Engagement of a consultant to prepare an analysis and report on the "Reporting Obligations under International Human Rights and ILO Conventions; Lao PDR preparations, structure and procedures: some background and suggestions", Dr. Houy Pholsena, Lao National Legal Advisor, November 2006

## **May – December 2005**

### ***June***

- 23-24 June: Workshop on experiences of Viet Nam and China and of the international community in general in the implementation of human rights treaties, 110 participants

### ***July - September***

- July, August, September: recruitment of project staff and CTA

### ***September***

- 16-17 September: Workshop on the CERD's concluding observations and recommendations, Paksan, 91 participants

### ***October***

- 7-8 October: Consultation Workshop on the proposal for ratification of ICESCR and ICCPR, Thalath, 70 participants

### ***November***

- 28 November-3 December: Participation of MFA/DTL officer in the 4<sup>th</sup> Session of the Assembly of the States Party of the International Criminal Court, the Hague  
1 male, 0/100%  
MFA
- 9 November: Consultation Workshop on the PMO's Notification on the proposal to ratify the Rome Statute of the ICC, 40 participants
- 24-25 November: Consultation Workshop on the outcome of the International Consultant on suggested amendments to the Lao PDR's constitution and selected laws (9 laws and 4 human rights conventions consultancy), Thalath, 60 participants

### ***December***

- 18 December: Workshop on International Law and Diplomacy for MFA, Vangvieng, 70 participants
- 27-28 December: Provincial Workshop on Selected Topics of International law and Human Rights for 6 central and southern provinces, Pakse, 70 participants

### **Other activities during 2005**

Engagement of a consultant to prepare an analysis and report on the "Integration of Selected Lao Laws with Selected International Instruments", Dr. Jayampathy Wickramaratne, Attorney-at-Law, President's Counsel, December 2005

**2007 Project Activities:**  
**Affiliation & female-to-male ratio of participants in selected workshops**

Average:

MFA: 20%

Legal Sector MoJ, Courts et al: 18%

Academia: 10%

UN, expat community incl embassies: 5%

Defense et al: 12%

Rest: 35%

Female/Male: 27/73%

- **19<sup>th</sup> November 2007:** International Law Forum on Pacific Settlement of Dispute.

Revenue: ICTC, Vientiane capital.

Participants:

- Party: 6
- Ministry of Foreign Affairs: 40
- Ministry of Justice: 23
- Courts/Prosecutors: 24
- NGOs/Bar: 7
- Students: 15
- UN, expat community incl embassies: 11
- Defence/Public Security/Police: 36
- National Assembly: 6
- Others: 24

Total: 192 participants, Female: 51, Male 141

- **16<sup>th</sup> October 2007:** Seminar on the Right to Food

Revenue: ICTC, Vientiane capital.

Participants:

- Party: 3
- Ministry of Foreign Affairs: 13
- Ministry of Justice: 6
- Courts/Prosecutors: 2
- NGOs/Bar: 5
- Students: 23
- UN, expat community incl embassies: 12
- Defence/Public Security/Police: 3
- National Assembly: 1
- Others: 36

Total: 104 participants, Female: 28, Male 76

- **27-28 September 2007:** Workshop on Incorporation/Transposition of Treaties into National Law

Revenue: Thalath, Vientiane province.

Participants:

- Party: 2
- Ministry of Foreign Affairs: 13

- Ministry of Justice: 5
  - Courts/Prosecutors: 5
  - NGOs/Bar: 1
  - Students: 2
  - UN, expat community incl embassies: 0
  - Defence/Public Security/ Police: 3
  - National Assembly: 2
  - Others: 23
- Total: 56 participants, Female: 11, Male 45

- **25 May 2007:** Consultation Workshop on International Convention for the Protect of All persons from Enforced Disappearance.

Revenue: ICTC, Vientiane capital.

Participants:

- Party: 2
- Ministry of Foreign Affairs: 5
- Ministry of Justice: 4
- Courts/Prosecutors: 10
- NGOs/Bar: 2
- Students: 0
- UN, expat community incl embassies: 0
- Defence/Public Security/Police: 10
- National Assembly: 0
- Others: 5

Total: 37 participants, Female: 9, Male 28



## **Annex F: Project Publications**

1. Lao International Law Newsletters (see also Annex I)
  - a. Volume 1, No. 1, February/March 2006 (Inaugural Issue)
  - b. Volume 1, No. 2, April/May 2006 (Special Issue on the occasion of the April 2006 Seminar on Land Transportation)
  - c. Volume 1, No. 3, June/July/August 2006
  - d. Volume 1, No. 4, August – October 2006 (Special Issue on the occasion of the September 2006 Seminar on Private International Law)
  - e. Volume 1, No. 5-6 - November/December 2006
  - f. Volume 2, 2007, No. 1 – January/February 2007
  - g. Volume 2, No. 2 – March/April 2007
  - h. Volume 2, No. 3 – May/June 2007
  - i. Volume 2, No. 4 – July/August 2007
  - j. Volume 2, No. 5 - September/October 2007

The Project plans a printing of 300 copies in Lao and 200 in English of each issue.

Distribution: line ministries, embassies, and seminar and workshop participants.

All ten issues have been printed and distributed in English. Issues 1-4 of 2006 have been printed and distributed in Lao. Issue 5/6 of 2006 and Issues 1 and 2 of 2007 are currently being printed in Lao. As of the date of this Evaluation Report, issues 3 and 5 of 2007 are currently in translation or undergoing revisions and issue 4 remains untranslated.

2. Rome Statute of the International Criminal Court overview book (with an introduction) in English and Lao; 2000 copies printed  
Distribution: to seminar and workshop participants where seminar covers this issue
3. Lao International law Handbook
  - Draft #1 (used in Chiang Mai University study tour, distributed to participants; April/May 2007): 35 copies
  - Draft #2 (for finalization purposes): 15 copies
4. List of Multilateral Treaties to which the Lao PDR is a party, compiled by DTL/MFA with support by the Project, September 2007 (second printing with an updated preface), (100 copies)
5. United Nations Children (Cartoon) Book; published by UNIS, BKK on the initiative of the Project (2000 copies)
6. Second print (with an updated preface) of Volume II, Human Rights Conventions (2000 copies)
7. Lao PDR: Overview of International Legal Instruments (list), September 2007

8. Handouts for Project workshops and seminars
9. An Overview of Terrorism Treaties (with an introduction and a gap analysis):  
to come late 2007/early 2008 (possibly in cooperation w/UNODC)
10. A Universal Declaration Poster (1500 copies) to be finalized later this month  
(in cooperation with Lao Disabled Persons Agency)
11. IPPA: Investment Protection and Promotion Agreements (in the process of  
being finalized)
12. Lao texts of various Private International Law Conventions (to come late 2007  
or 2008): first 50 copies (photocopied); later 500 (book form)

## **Annex G: Multilateral and Bilateral Agreements which Lao PDR has signed or become party to during the Project period**

### **Multilateral Agreements**

**S = signature; R = ratification; A = accession; AR = acceptance**

#### **Cooperation**

1. ASEAN Treaty on Mutual Legal Assistance in Criminal Matters (R)
2. Convention Establishing a Customs Co-operation Council (A)
3. Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) (AR)

#### **Environment, Health**

4. Stockholm Convention on Persistent Organic Pollutants (POPs) (R)
5. International treaty on Plant Genetic Resources for Food and Agriculture (A)
6. The London amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (A)
7. WHO Framework Convention on Tobacco Control (R)

#### **Labour**

8. ILO Convention 138 on Minimum Age (A 2005; in force since June 2006)
9. ILO Convention 182 on the Worst Forms of Child Labour (ibid.)

#### **Human Rights**

10. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000(A)
11. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000 (A)
12. International Covenant on Economic, Social and Cultural Rights, 1966, (ICESCR), the main covenant on economic, social and cultural rights (R); in force for Lao PDR as from 13 May 2007

#### **Trade, Communication, Protection and Promotion of the Diversity of Cultural Expressions**

13. Convention Establishing a Customs Cooperation Council (A)
14. Asia-Pacific Trade Agreement (AR)
15. CLMV Multilateral Agreement on Air Services (AR)
16. Agreement on ASEAN Harmonized Electrical and Electronic Equipment (AR)
17. Agreement to Establish and Implement the ASEAN Single Window (AR)
18. Protocol to Implement the Fourth Package of Commitments on Air Transport Services under the ASEAN Framework Agreement on

Services (AR)

19. Patent Cooperation Treaty (intellectual property) (A)

20. Convention on the Protection and Promotion of the Diversity of Cultural Expressions

**Bilateral Agreements concluded or ratified by the Lao Government with foreign countries during the Project period**

1. Agreement on Economic and Technical Cooperation between the Government of the Lao PDR and the Government of the PRC. July 2005
2. Agreement on Economic and Technical Cooperation between the Government of the Lao PDR and the Government of the PRC. December 2005
3. Accord cadre de cooperation dans le Domaine du Tourisme entre L'administration nationale du tourisme de la Republique Democratique Popualire Lao et Le Ministere Delegee au tourism de la Republique Francaise. Octobre 2005
4. Memorandum of understanding between the Government of the Lao PDR and the Government of Sweden Regarding the Establishment of a Bilateral Informal Working Group on Human Rights. November 2005
5. Memorandum of Understanding Between the Government of the Lao PDR and the Kingdom of Thailand on Anti Trafficking in Persons, especially in Women and Children. July 2005
6. Agreement between the Government of the Lao PDR and the Government of the Republic of Belarus on Trade and Economic Cooperation. September 2005
7. Agreement between the Government of the Lao People's Democratic Republic and the Government of His Majesty the Sultan and Yang Di Pertuan of Brunei Darussalam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income. April 2006
8. Agreed Minutes of the Inaugural Meeting of the Joint Commission for Bilateral Cooperation between the Lao People's Democratic Republic and Brunei Darussalam. April 2006
9. Agreed Minutes of the Ninth Meeting of the Lao-Cambodia Joint Commission for Bilateral Cooperation. June 2006
10. Cooperation Agreement between the Government of the Lao PDR and the Government of the PRC on Combating Illegal Drugs Trafficking. November 2006.
11. Agreement on Economic and Technical Cooperation between the Government of the Lao PDR and the Government of the PRC. November 2006
12. Agreement between the Government of the Lao PDR and the Government of the PRC on Debts Relief for the Government of the Lao PDR. November 2006
13. Agreement for International Financial cooperation between the Bank of the Lao PDR and China Development. November 2006
14. Supply and Installation of Lao National E-Government Project Phase I Government Confessional Loans Agreement between the Government of the Lao PDR and represented by the Ministry of Finance as Borrower and the Export-Import Bank of China as Lender. November 2006

15. Memorandum of Understanding between the Ministry of Health of the Lao PDR and the Ministry of Health of the People's Republic of China on Co-Cooperation in the field of Health. November 2006
16. Shareholders Agreement between Electricite Du Laos and China International Water & Electric Corp. November 2006
17. Framework Agreement for Financing the Comprehensive Development of New Nation Stadium Project for Hosting the 25<sup>th</sup> Sea Games in Year 2009 and Other Comprehensive Development in Vientiane Capital, Lao PDR. November 2006
18. Shareholders Agreement between Electricite du Laos and China International Water & Electric (CWE), Nam Like 1-2 Hydropower Project. November 2006
19. Agreement between the Government of the Lao PDR and the Government of the Republic of Korea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to taxes on income, signed at Vientiane, 29 November 2004. Entered into force in February 2006
20. Agreement between the Government of the Lao PDR and the Government of the federation of Russian on the Promotion and Reciprocal Promotion of Investments, Signed in Moscow. Concluded in December 1996. Ratified by the Lao PDR in April 2006
21. Agreement between the Government of Lao PDR and the Government of the Russian federation for the Avoidance of Double taxation and the Prevention of fiscal Evasion with respect to taxes on income. Concluded, May 1999; ratified May 2006
22. Agreed Minutes of the 4<sup>th</sup> Exchange Meeting between Ministry of Foreign Affairs of the Lao P.D.R and Ministry of Foreign Affairs of the S.R. of Vietnam, at Da Nang. May 2006
23. Join Communiqué between the Deputy Prime Minister, Minister of Foreign affairs of the Lao PDR and the Minister of Foreign Affairs and Worship of the Republic of Bolivia, Ambassador David Choquehuanca. April 2007
24. Agreed Minutes of the Tenth Meeting of the Lao-Cambodia Joint Commission for Bilateral Cooperation. August 2007
25. Agreed Minutes XII Session of the Governmental Commission for the Economic, Technical and Scientific Cooperation between the Lao People's Democratic Republic and the Republic of Cuba. April 2007
26. Memorandum of Understanding between the Ministry of Foreign Affairs of the Lao PDR and Ministry of Foreign Affairs of the Czech Republic. September 2007.
27. Statement on the Establishment of Diplomatic Relations between the Lao PDR and the DR. September 2007
28. Agreement on Economic and Technical Cooperation between the Government of Lao PDR and the Government of the Arab Republic of Egypt. April 2006
29. Agreement between the Government of the Lao people's Democratic republic and the Government of the Federal Republic of Germany regarding Technical Cooperation. July 2007
30. Agreed Minutes of the Third Meeting Joint Commission for Bilateral Cooperation between Malaysia and the Lao PDR. May 2007
31. Protocol on Cooperation between the Ministry of Foreign Affairs of the Lao People's Democratic Republic and the Ministry of Foreign Affairs of Mongolia. September 2007

32. Agreement between the Government of the Lao people's Democratic Republic and the Government of Mongolian on Cooperation in the Fields of Education, Culture, Science, Technology and Sport. September 2007
33. Memorandum of Understanding between the Mongolia Chamber of Commerce and Industry and the Chamber of Commerce and Industry of Lao People's Democratic Republic. September 2007
34. Protocol on Cooperation between the Office of the President of the Lao People's Democratic Republic and the Office of the President of Mongolia. September 2007
35. Certifying Statement for the Agreement between the Government of the Lao PDR and the Government of the Union of Myanmar for the Promotion and Reciprocal Protection of investments. October 2007
36. Agreement on Cooperation between the Ministry of Foreign Affairs fo the Lao PDR and the Ministry of Foreign Affairs of the Republic of Nicaragua, signed at Managua. April 2007
37. Agreement on the Establishment of a Join Commission for Bilateral Cooperation between the Government of the Lao PDR and the Government of the Republic of Nicaragua. April 2007
38. Certifying Statement, dated 15 October 2007 for the Agreement between the Lao PDR and the Islamic Republic of Pakistan on the Promotion and Protection of Investment. Vientiane, signed at Vientiane, 2004
39. Agreement on the Establishment of a Joint Commission for Cooperation between the Government of the Lao People's Democratic Republic and the Government of the Republic of Peru. August 2007
40. Bilateral Agreement between the Government of the Lao People's Democratic Republic and the Government of the Republic of Peru. August 2007
41. Agreement between the Government of the Lao People's Democratic Republic and the Government of the Philippines on the Promotion and Protection of Investments. June 2007
42. Protocol between the Government of the Lao PDR and the Government of the RF on the survey of Bilateral Agreements. June 2007
43. Agreement on the Establishment of a Joint Commission for Bilateral Cooperation between the government of the Lao PDR and the Government of the Bolivarian Republic of Venezuela. April 2007
44. Memorandum of understanding on Political Consultations between the Ministry of Foreign Affairs of the Lao People's Democratic Republic and the Ministry of the Popular Power for Foreign of the Bolivarian Republic of Venezuela. April 2007

## **Annex H: National Laws, Decrees drafted, proposed or amended during Project period**

National laws, decrees and governmental notifications proposed or amended during the Project period to which the Project gave input or assistance; relevant international agreements or issues addressed in international agreements  
(as reported by the Project Manager and CTA)

1. Penal Code amendments: terrorism and related issues; money laundering, racial discrimination, trafficking in persons
2. Labour Code: references to ILO Conventions
3. Protection of Children Law: references from the Convention on the Rights of the Child
4. Education Law: ICESCR
5. Disability Decree: Convention on the Rights of All Persons with Disabilities
6. Trade Union, in draft: ICESCR and ICCPR
7. Press law, in draft: ICCPR
8. Prime Minister's Notification on Rule of Law: incorporating excerpts of the statement given by Mr. Hans Corell at the first International Law Forum

## **Annex I: Summary of International Law Newsletters by issue**

Newsletters have been published by the Project since the inaugural issue in February/March 2006. Eleven issues have been completed (issues 5/6 in 2006 were published together as one), each ranging in length from 8 to 12 pages.

Very useful information is provided in a helpful and accessible presentation. A wider distribution is encouraged.

### **Volume 1, No. 1, February/March 2006**

The Vice Minister for Foreign Affairs wrote the introductory remarks to this, the debut issue of the LILN. In Volume 1, the purposes and goals of the International Law Project are explained, and an overview of project activities is provided along with results from the Project's operation between 2001 and 2004. In addition, there is an introduction to certain provisions of the United Nations Charter, short pieces on law and international law, a discussion on the Convention on the Rights of the Child and its protocols, and a table showing participation in human rights treaties by Laos and regional countries.

### **Volume 1, No. 2, April/May 2006 (Special Issue)**

This special issue was produced on the occasion of the April 2006 Seminar on Land Transportation and focused on transportation instruments and relevant agreements covering transport in the Greater Mekong Subregion. It provides information on the LDCs and the LLDCs, the Almaty Conference, a summary of the terms of the four main global transit/transport agreements, and the GMS Agreement. The Lao PDR language version contained more detail

### **Volume 1, No. 3, June/July/August 2006**

The third issue of 2006 provides an overview of Project activities in 2005 and focused on terrorism treaties. It provided a description of the main terrorism treaties and a table showing participation in terrorism treaties by Laos and regional countries. There is also a short piece on road accidents, liability and private international law.

### **Volume 1, No. 4, August – October 2006 (Special Issue)**

This special issue was produced on the occasion of the September 2006 Seminar on Private International Law, which was co-organized by the MFA and MoJ, in collaboration with the Hague Conference on Private International Law (HCCH), and supported by the Project. As was noted in the opening speech of the Vice Minister of Justice, which was reproduced in the Newsletter, representatives from Cambodia, Myanmar, Thailand and Viet Nam were present for the Seminar, which covered a range of private international law-related issues. The special issue has a list of the main conventions, pieces on the Hague Children's Conventions (on parental disputes on custody, child abduction, unaccompanied minors), the Apostille Convention and the taking of evidence abroad in civil or commercial matters.



**Volume 1, No. 5-6 - Nov/Dec 2006**

This issue of the newsletter covered both the International Law Forum of 2006 and the CEDAW Seminar to discuss the draft Lao PDR report. The International Law Forum focusing on the Rule of Law took place on 1 November 2006 and featured Mr. Hans Corell, the former United Nations Legal Counsel and Under Secretary-General. The CEDAW Seminar featured a Member of the CEDAW Committee, Dr. Tan, who provided information on how the Committee works, what the delegation could expect during the hearings and how the Lao PDR may improve its reporting. The newsletter provides an overview of the committees and time schedule for Lao PDR's reporting obligations under ICESCR, CERD, CEDAW, CRC and the CRC Protocols. In addition, reports are due by Lao PDR under the ILO Conventions.

**Volume 2, 2007, No. 1 – January/February 2007**

In this issue of the newsletter, an overview of the Project's 2006 activities was provided, a tentative list of proposed 2007 activities was given and a list of treaties and conventions to which Lao PDR became party to in 2006 was included. The Project also announced the launch of its website.

**Volume 2, No. 2 – March/April 2007**

The ILO and various labour-related treaties and instruments were covered in this issue of the newsletter, following on a seminar that took place in Thalath on "ILO Conventions: use and relevance to the Lao PDR" in March 2007. A description of the ILO is provided first in the newsletter, with an emphasis on how the Organization is special (delegations consist of trade unions and employers' organizations reps as well as government representatives). Representatives from the ILO in Bangkok and Vientiane were in attendance at the Thalath seminar, as were representatives from the Labour Ministries in Thailand and Viet Nam. The ICESCR was also discussed at the seminar. This issue of the newsletter also covered the Tripartite Review meeting held in March 2007 and contained excerpts from statements given by the Vice Minister of the Foreign Ministry and representatives of Finland, UNDP and the EC.

**Volume 2, No. 3 – May/June 2007**

The third issue of the 2007 newsletter provides a useful list of countries with which Lao PDR has diplomatic relations and the locations and countries covered by the various embassies. It also provides information on International Humanitarian Law, following a seminar co-organized by the Project and the International Committee of the Red Cross (ICRC) in April 2007 on the IHL conventions, including conventions on the use of weapons, child soldiers and the Rome Statute of the ICC, and the activities of the regional ICRC office. In addition, a table is included showing participation in relevant IHL treaties by Lao PDR and regional countries.

**Volume 2, No. 4 – July/August 2007**

This issue of the newsletter focuses on the relationship between Lao PDR and the UN and UN Specialized Agencies, provides a summary of the Project's activities during

the first six months of 2007, and summarizes the new Disabilities Convention and the national Committee for Disabled People and its activities. In addition a list of 35 treaties to which Lao PDR may wish to accede is included (including a recommended “top ten”).

**Volume 2, No. 5 - September/October 2007**

This issue focused on the pacific settlement of disputes and provided a background section on the 1899 Convention for the Pacific Settlement of International Disputes and the formation of the Permanent Court of Arbitration. It describes mandates of the International Court of Justice and the Permanent Court of Arbitration and lists sample cases before both. In addition, it includes a list of other international instruments dealing with peaceful settlement of conflict (in the ASEAN region as well), briefly describes UNCITRAL and ICSID, and gives bios for the two featured speakers at the International Law Forum to be held in November 2007, Judge Gilbert Guillaume, former Judge and President of the International Court of Justice and Mr. Tjaco van den Hout, Secretary General of the Permanent Court of Arbitration.

## **Annex J: Outstanding Phase II Activities to be Prioritised in 2008 by the Project Team**

### **Outstanding Phase II Activities (as per the Project Document); January-May 2008<sup>1</sup>**

The Project's Activities have to a great extent followed the pattern laid out in the Project Document. Some activities were undertaken that were not originally foreseen (e.g. the Chiang Mai University course (CMU), LILN, ICESCR-related ones), some activities were delayed due to administrative challenges and again other activities were only partially addressed.

Hereinunder a summary overview can be found of the latter category as per the Project Document's list.

1.1 Activities related to the Ministry of Culture will be implemented early 2008. Support to other four ministries to follow up to the seminars/workshops organized in the fields of labor, transportation, anti corruption, education. Also, due attention will be paid to the 2008 Treaty Event; preparations to ensure Lao involvement should start right at the beginning of the new year.

1.2 Further to completing an article-by-article training re. ICESCR ('health' will be dealt with – with WHO – in March), efforts will be undertaken to start dealing with the ICCPR, as part of the effort to further early ratification. This includes

- a) exposure of relevant Lao officers to the international experiences in relation to ICCPR implementation and reporting;
- b) as well as a study tour to a selected country;
- c) and bringing members of the relevant treaty bodies to assist in workshops in the Lao PDR (to start with a member of ICESCR's Committee).

1.3 The submission of private international law instruments for consideration and adoption by the GOL will take place once a sufficient number of instruments has been translated and published (foreseen for early 2008); see also 2.4.

1.6 The official notification of treaties in the Official Gazette is under discussion; it has been part of the ongoing activities but deserves proper and coordinated decision making (the emphasis being with MoJ in cooperation with the NA). MFA and the Project shall not fail to raise this issue appropriately. Other actors/donors (e.g. the French) are also involved.

Meanwhile the Project will look into the possibility to continue its work on translation and publication of relevant instruments.

Dissemination of the published instruments will be duly conducted amongst wider target groups at both central and provincial levels.

2.1 / 2.2. Enhancing/Incorporation: this aspect will be duly looked into during the period January-May 2008. This issue is also related to the Draft Ordinance which

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<sup>1</sup> This Annex was drafted by the Project Team.

deserves ongoing attention; efforts will be made to make sure that this important instrument will be officially adopted early 2008, whereupon proper application will be assured through appropriate administrative measures.

2.4 Develop capacity of the MoJ and the judiciary officers e.g. to apply in due time relevant Private International Law instruments: see also 1.3.

3.1 Human rights reports: the reports under CRC, CEDAW and ICERD have in principle been finalized and are in the process of being translated; efforts will be undertaken to present the results to the Lao PDR based international community before the reports are forwarded to the respective committees.

ICESCR's first report is due in June 2009, and during 2008 due attention needs to be paid to this obligation.

Timely and proper division of responsibilities among line ministries and institutions with the assistance of a consultant (preferably, a national consultant) to assist in the reporting process is advisable.

Also, in due time (2009) attention needs to be paid to the UPR due for Lao PDR in 2010.

3.2 Continuous attention needs to be paid to dissemination and capacity building aspects in the provinces and major districts, with provincial universities, including Law Schools in Luangprabang, Savannaket and Champassack provinces as well as provincial and district authorities.

3.3 As to awareness-raising of international law and its contribution to development of the rule of law, human development and poverty reduction, it is repeated that the Project has carried out two workshops (2006 and 2007) on the rights based approach to development; also, the International Law Forum 2006 paid attention to these themes. One more activity on this issue early 2008 should be welcomed.

3.4 Police Academy and NOSPA's curriculum relating to international law should be looked into, over and above the Lao International Law Handbook and the participation in seminars and CMU. In addition, the continuation of intensive ties with the Faculty of Law is recommended.

3.8 As to capacity-building of the Supreme Prosecutor and the Ministry of Public Security for the enforcement, implementation and monitoring of international law, it is recalled that these institutions were generally duly represented at the various seminars and workshops (incl. CMU), but hitherto, no specific training was provided (partly related to the Raoul Wallenberg Institute activities with/for these institutions). Further capacity development of judges, prosecutors and police officers (judicial, prison) in regard to the relevant provisions of ICCPR and other relevant human rights instruments should be attended to.

3.12 Only minor attention was paid to the capacity of the DTL and Department of International Organizations to monitor the implementation and enforcement of international law (primarily the competence of others) and to monitor the implementation of international legal obligations of other States Party. This latter subject is on the agenda for early 2008.

3.13 Capacity of the National Assembly (see plans to have a workshop with the National Assembly). Appropriate activities have been undertaken and NA-members were more often than not present at the various ILP activities. Institutionalized cooperation should be welcomed but is considered to be challenging. Early 2008 activities should touch upon this issue, in close coordination and cooperation with the NA project, especially the work with the NA should cover, inter alia, the treaties that are still pending before and will be proposed to the NA and the methods of incorporating treaty provisions with national legislation.

4.1.2 Annual training to MFA staff on bilateral treaty negotiation skills is a subject that needs to be looked into early 2008.

4.3 Post-graduate studies support: as indicated above, Chiang Mai University was not in the original Project Document, but was added in the workplan and agreed upon by the TPR. A 2008 CMU activity should be welcomed.

As to candidates for studies abroad as per the original project plan, it was noted by the Evaluator that it is unusual for projects like the International Law project to provide large funds to individuals to pursue postgraduate studies whilst scholarships are being made available by other actors. Instead of funding scholarships for the individuals, it is advisable that they are included in the trainings offered by the project like CMU and internships.

In addition, English skills of Lao officers should be enhanced through the available, appropriate and most cost effective means.

#### 4.3.4 Individual Training – Internships

Further to what has been proposed under 4.3, this caption deals with internships that should greatly enhance the holders' experience and knowledge and hence the Divisions involved:

- a) a two month internship with the Office of the High Commissioner for Human Rights, Bangkok (Feb-March)
- b) a combined two week internship with the OHCHR in Geneva with three weeks attending the Human Rights Council (and in that process assisting the Lao PDR permanent mission in Geneva) (March)
- c) a long-term internship with the Lao PDR permanent mission in Geneva, enabling the candidate to get a broad overview of the various activities in Geneva (ICRC, Human Right Committees, Disarmament, Trade, Migration etc.) and at the same time assisting the Lao PDR presence and involvement (one year from June onwards)