Laos Legislative Drafting Programme

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A FIRST DRAFT AGENDA FOR THE PROCESS OF CONDUCTING A JOINT NEEDS ASSESSMENT FOR A PROJECT PROPOSAL TO HELP STRENGTHEN LAO'S LEGAL FRAMEWORK FOR THE NEM

"Senior Lao officials have...refused 'shuttle economics' as a solution for their country's economic adjustment, especially that provided by 'jet-setting' experts and not adapted to local conditions. But...the country carried out a successful and timely reform...achieved in a gradual process." ("Horizons 2000," Champa, Vol. II, No. 4, p. 23)

I. As defined by the terms of reference, the Mission's central objective: to produce a document laying out a plan for spending about $700,000 of UNDP and World Bank money, and unspecified amounts of donor-country money, in the following areas of perceived difficulties (in no particular order of priority):

A. Within the framework of the New Economic Mechanism (NEM), the production of quality bills; (including issues of training personnel engaged in the bill-producing system);

B. the general legal education of law students and officials at the Law School and at ENAG, especially with respect to the education required for practitioners and officials to deal creatively with legal issues arising out of the NEM;

C. the judges' capacities, especially in connection with disputes likely to arise in a developing market economy of the sort anticipated by the NEM;

D. the dissemination of Lao laws and related legal information throughout Lao PDR;

E. the monitoring of the implementation of the laws to provide trip-wire feedback to government concerning the effectiveness of the laws

F. the effective continuation of the work on the Gazette and on the Lao/English/French Dictionary of Legal Terms;

G. the lack of an effective method of reporting judicial decisions;

H. possible inconsistencies in existing laws.

II. Here, initially, focus on the component for drafting
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priority bills and improving the bill-creating system.

A. This focus reflects:

1. Dr. Housy's own initial proposed program focus; and

2. Our present understanding of our own primary responsibility (but that in no way indicates a lack of interest or concern on our part in the other areas of the Mission's concern)

B. Central issues today:

1. Development of a mutually-determined agenda for our talks with Dr Housy.

2. Learning from Dr Housy the basic outlines of how the system works for drafting laws without foreign participation, and how it utilized foreign participation Phase I and Phase II.

3. Development of an agenda for future research

III. Development of a mutually-determined agenda for our talks with Dr Huoy.

A. Our suggested agenda outline reflects a problem-solving methodology; we suggest Dr Housy consider it, and propose an alternative or amendments, as a basis for developing an agreed agenda.

B. The problem solving agenda: Difficulty, explanations, proposals for solution, implementation monitoring.

1. Note that in problem-solving, the justification for the proposal for solution (here, the proposed project document), serves two purposes:

   a. provides an agenda to guide research and decision-making; and

   b. provides a justification to persuade the donors to spend their money as the document advises.

C. In this view, two sets of difficulties require attention:

1. The difficulties in Lao-PDR systems of bill-creation and adoption as they exist without foreign assistance;
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2. the difficulties with Phases I and II in the application of foreign aid with respect to bill-drafting and related training.

D. In this view, Dr. Houy's program represents a proposal for solution; but, before we can assess that adequately, our first task becomes to determine what constitutes the present situation, and what difficulties does Dr Houy perceive in it.

IV. As the basis of structuring the next steps in the needs assessment, Dr. Houy, we hope, will describe the difficulties and discuss their causes.

A. Dr. Houy's description of both sets of difficulties, and whose and what behaviors comprise them (ie the relevant role occupants):

B. Dr. Houy's initial explanatory hypotheses as to the causes of the relevant role occupants' behaviors (of necessity).

IV. Decisions as to the next steps in our joint needs assessment to lay a sound basis for a proposed legislative drafting process that will ensure the drafting of priority legislation, and for improving the capacity of Lao drafting institutions.

A. Based on discussion of Dr. Houy's analysis, set up a series of interviews and focus group sessions with relevant role occupants:

1. Note: Wherever possible, meeting first with 3 or 4 representative role occupants in focus groups will enable them to participate in analyzing the causes of their difficulties and thus helping to identify their own constraints and resources for finding the best available solutions.

B. Agreement on process for completing drafting of that part of the overall document focused on the legislative drafting and relevant capacity building aspects.

C. Discussion of ways of addressing the other concerns of the Mission.