

**Minutes of the Third (Final) Tripartite Review meeting of
the International Law Project (00013321) held at
the Lao Plaza Hotel, 11 May 2005**

I. Introduction

1. The International Law Project 00013321 (Formerly Lao/00/006): "*Strengthening the Process of Signing, Ratifying, Implementing and Reporting of International Instruments in the Lao PDR*" held its third and final Tripartite Review meeting on 11 May 2005 to review progress made during the final period of the Project implementation, from April 2004 to May 2005. The agenda of the meeting is presented in Annex 1. The meeting was attended by representatives of the UNDP Country Office in Lao PDR, the Ministry of Foreign Affairs of Finland, the Delegation of the European Commission, other relevant donors, and the Lao Government comprising representatives from the Ministry of Foreign Affairs, UNDP projects in the legal sector, the National Assembly, and other concerned agencies of the government. The complete list of participants is presented in Annex 2.

II. Opening Session and Formal Statements

2. The meeting's opening session was co-chaired by H.E. Mr. Phongsavath Bouphe, Vice Minister of Foreign Affairs, Ms. Setzuko Yamazaki, Deputy Resident Representative of the UNDP Country Office in Lao PDR and Ms. Marita Meranto, Representative of the Ministry of Foreign Affairs of Finland.
3. Mr. Khamkheuang Bounteum, Deputy Director General of the Department of Treaties and Law, National Project Director of the International Law Project welcomed the guests and participants of the meeting, informing the meeting of the objectives of this TPR.
4. Ms. Setzuko Yamazaki, Deputy Resident Representative of the UNDP Country Office in Lao PDR and Ms. Marita Meranto, Representative of the Ministry of Foreign Affairs of Finland, delivered the opening remarks which are presented in Annex 3.
5. H.E. Mr. Phongsavath Bouphe, Vice Minister of Foreign Affairs delivered his statement. Among others, he said: On behalf of the Ministry of Foreign Affairs, I have the honour to extend my warmest welcome to all of you to the Tripartite Review meeting of the International Legal Project 00013321. This Project must be viewed in the context of the Lao PDR's commitment to uphold its international obligations. The undertaking by Lao PDR of these obligations exemplifies our determination to participate actively in the tasks of maintaining peace and security and of promoting cooperation and development in the world. The fulfillment of these obligations is an integral part of the efforts to strengthen the Lao national legal framework, having impact on socio-economic development and poverty eradication in the country. The

strengthening of our capacities in this connection is, therefore, vitally important in the overall context of development initiatives.

During the period under review, from March 2004 to April 2005, significant achievements have been made by the Project. The implementation of the Project has been carried out under the joint supervision of the Ministry of Foreign Affairs and the UNDP in Lao PDR. The Ministry observed that, although some aspects of the management work needs to be addressed in the future, the project's objectives have been satisfactorily achieved. Such achievements of the Project have been made possible thanks to the good cooperation extended by the donors, as well as by other Government agencies.

In its second phase, the Project will build upon the progress achieved with the assistance of the development partners concerned. As a small underdeveloped and landlocked country, Lao PDR is faced with many challenges pertaining to its development. Based on these specificities, the Lao Government has formulated a clear development policy and seeks the assistance and support of the international community in pursuing its objectives. We have been greatly encouraged by the support extended by our international partners which will contribute to the realization of our development goals.

The Vice Minister expressed sincere thanks to UNDP, the Government of Finland and the European Union for their support extended to the International Law Project Phase II, the document of which was signed later on the day of the Tripartite Review. The Vice Minister also expressed hope that the Project will continue to receive the good cooperation from donors, in particularly the Office of the United Nations Development Programme in the next phase project implementation like during the first phase of the project.

III. Presentations on Project implementation during the period of review and highlights of the next phase of the project

6. After the opening session, the meeting was co chaired by Ms Setzuko Yamazaki, Deputy Resident Representative of UNDP CO in Lao PDR and Mr. Khamkheuang Bounteum, Deputy Director General of Department of Treaties and Law, National Project Director.
7. Mr. Khamkheuang Bounteum made a presentation on detailed activities, achievements, constraints, challenges and lessons learned from the project implementation during the period of review, highlighting the main contents of the Annual Project Report which was made available to the meeting participants.
8. Mr. Bounpheng Saykanya, Director of Legal Affairs Division, Deputy National Project Director, presented on the activities of the project pertaining to human rights, International Criminal Court and the focus of the next phase of the project.

In February 2005, the Lao delegation, led by Vice Minister of Justice, participated in the deliberations of the report by the Committee on Elimination of Racial Discrimination (CERD) at its meeting in Geneva. To date, CERD has already sent its concluding observations and recommendations to the Government. In the next phase of the project, the project is going to support the Lao Government in their follow up.

Another highlighted activity related to human rights was the consultancy conducted by the team of one international and one national human rights consultants. The consultancy was the first of its kind and has helped deepen the understanding of human rights among government officials at the central and provincial level and in the Lao society at large. The consultancy paved a good basis for Lao PDR to proceed with the preparations for ratification and implementation of the International Covenants of Human Rights. The next phase of the project has international human rights law as one of its focuses and the preparation work will continue to be supported by the project, with emphasis on translating the Covenants norms into Lao national legal framework.

On the activity related to the International Criminal Court, with funding from the EC Delegation in the Lao PDR, the Project has organized 3 workshops on the Rome Statute. The workshops have resulted in an agreement largely reached among the workshops participants that Lao PDR should join the Court in the nearest future because it is in the national interest of the Lao nation. The Ministry of Foreign Affairs together with the Working Group on Coordination of Studies of the Rome Statute, established in 2001, is in the process of drafting a proposal (based on the workshops' outcomes) for submission to the Government for consideration. The proposal would take the approach that Lao PDR should accede to the Rome Statute first and prepare for its implementation later. For this purpose, there is the need for considering whether the ICC activity would be a component in the next phase of the International Law Project.

III. Discussions

9. After the presentations, the floor was open for comments and discussion by the meeting participants.

Ms. Marita Meranto, Representative of Ministry of Foreign Affairs of Finland, inquired about any kind of plans for strengthening future collaboration in the project implementation, with the strengthened ASEAN department and other relevant government agencies.

Mr. Patrick Ackermann, Programme Officer of UNODC in Lao PDR, reminded of the workshops organized jointly with UNODC on the UN Convention against Transnational Organised Crime and its Protocols and the UN Convention against Corruption. He asked about possible plans in the next phase of the project to assist the Government to ratify these conventions.

Ms. Soudsada Phoummasack, National Project Director of UNDP Project at the National Assembly, congratulated the project for its achievements. She raised three points: Firstly, we need to have close coordination among concerned institutions, including the National Assembly. The project should focus more on awareness raising for the National Assembly members in terms of international law and treaties. The National Assembly has the function to ratify important and fundamental treaties like the Rome Statute on the International Criminal Court. Secondly, how official are the translated texts of treaties and how to get access to them? In Laos we lack a body to look after the matter of official translations. She also informed the meeting that the National Assembly has an on-going support by the Singaporean Government for translation of all laws passed by the National Assembly into English language. Thirdly, there is an error on page 10 of the Annual Project Report referring to "the People's National Assembly", it should just be "the National Assembly".

Ms. Julia Ojanen, Junior Expert representing the EC Delegation in the Lao PDR, raised two points. The first was to request Government oversight on ICC activity so that this activity can be followed-up and overseen within the framework of the next phase of the project. The second was a question seeking further information on the timeframe for Lao PDR's accession to the Rome Statute of the International Criminal Court.

10. Mr. Phoukhong Sisoulath, National Project Manager, on behalf of the project team, clarified some of the points raised above.

During the first phase of the project, we experienced a lack of high-level coordination. The Project Document in Phase I provided for the establishment of the Project Management Committee, but due to workload at each institution represented on the committee, the project was not successful in organizing high level coordination in the project implementation. This issue has been acknowledge and to address it, the Project Document for phase II calls for the establishment of a high-level Project Advisory Board which will comprise of high-level officials of concerned institutions, including the Ministry of Justice, the People's Supreme Court, the Office of the Supreme People's Prosecutor, the National Assembly, etc. The Ministry of Justice is now talking about setting up a Division of International Law within the Institute of Legal Research and International Cooperation. Once the Division is established, it will be a very good focal point for the project to coordinate with the Ministry of Justice.

On the question of the conventions against transnational organized crime and corruption, the Lao Government has already acceded to the UN Convention against Transnational Organized Crime and its three Protocols, meaning that the Lao PDR has assumed the international obligations arising from the conventions and protocols. However, still there is the need for the National Assembly to approve them because we need to have enabling legislation to give effect to the Convention and Protocols for national implementation. With regard to the UN Convention against Corruption, the Project, in collaboration with UNODC and the State Inspection Authority, has

organized a workshop on the convention. The workshop was very successful and gave useful inputs to the draft law on anti corruption, being debated at the time of the TPR meeting in the National Assembly session. Once the law is adopted, it will be a firm basis for the Lao PDR to proceed with the consideration to ratify the Convention in the near future, and further cooperation with UNODC would be most welcome.

On the issue of translations: the Project has supported translations of treaties to which Lao PDR is already party, treaties being considered by Lao PDR and also other international instruments, constituting the so called "soft law". Most of the translated documents were distributed to participants of workshops organized by the project. The translations are mainly to be considered working documents and not official, but many translated texts are officially compiled in publications, such as Volume I and Volume II on Human Rights Conventions. The Department of Treaties and Law has issued the policy for using the Library of the Department. Users who are Government officials, teachers, students or researchers can have access to the Library collections.

On the timeframe for Lao PDR's accession to the Rome Statute of the International Criminal Court: The Project has supported the organization of three workshops on the Rome Statute of the International Criminal Court, which were very successful. The ICC Consultants have already sent their End of Mission Report, among other things, suggesting the time for Lao PDR to accede to ICC. The Report will be available shortly after the TPR meeting. Phoukong invited other colleagues to respond on the timeframe in more detail.

11. Mr. Khamkheuang Bounteum, National Project Director, then replied to the remaining questions and added his comments. On the question of Government oversight of international obligations, he said that the Project had drafted Guidelines on treaty participation and implementation. The Guidelines were distributed to line ministries and will be proposed to the Prime Minister Office for approval. Also the draft Ordinance [incorporating the main ideas of the Guidelines] will be the legal instrument for the purpose of monitoring of international obligations. The role of the Government in monitoring and supervising the international obligations is set forth in the Lao PDR's Constitution: the Government has the function to give guidance for implementation of treaties signed and ratified by the Lao PDR.

The Office of the Prime Minister Office is the core institution that has the coordination role for implementation of treaties. The Ministry of Foreign Affairs helps the Government in monitoring and supervising international obligations. However, agencies concerned have most important role to monitor the implementation of treaties, for example the Science, Technology and Environment monitors the implementation environmental treaties; the Department of International Organisations of the Ministry of Foreign Affairs monitors the treaties in the field of disarmament; as for Human Rights treaties, especially the two Covenants, the established Inter-Ministerial Committee would monitor and supervise the implementation of the two human rights covenants, once ratified by the Lao PDR.

The Department of Treaties and Law (DTL) of the Ministry of Foreign Affairs, together with the Ministry of Justice, are responsible for coordinating legislative measures. The latter is also the main coordinator for CERD reporting, while DTL acts as the secretariat.

Activities related to the International Criminal Court will be continued in the next few months, the ratification proposal is to be submitted to the Prime Minister's Office in June and if it is approved, will be subsequently sent to the National Assembly (NA). There have been many efforts to coordinate with various line ministries and the NA, e.g. the funding agreement related to the ICC activities were done with the NA.

In the next phase, the Project Advisory Board will be formed and also a Project Working Group will include technical experts from relevant ministries. 4-6 core ministries will be chosen to be responsible of priority treaties. The Ministry of Justice could be considered to be the core ministry responsible for ratification of the Rome Statute on the ICC, the Ministry of Public Security could be the core ministry for the Conventions Against Transnational Organized Crime, and the State Inspection Authority could be the core agency for the Convention Against Corruption.

The Ministry of Justice has always been a core ministry working closely with the Ministry of Foreign Affairs. It has always been consulted before ratification and there was cooperation e.g. in amending the criminal law regarding terrorism and trafficking.

A lexicon will be made to assist in standardizing translations. So far the Ministry of Foreign Affairs has been a core agency for translation and dissemination of treaties, currently cooperating with the Lao Red Cross to translate the 4 Geneva Conventions. All translations are sent to ministries and libraries e.g. at the Faculty of Law.

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12. Ms. Setsuko Yamazaki referred the question on treaty dissemination to representatives but since there were none, Dr Jayampathy Wickramaratne, Chief Technical Advisor of the UNDP Project at the Ministry of Justice responded that the Project needs to look into the matter of dissemination of materials produced by the Project. It seems to him that such materials did not widely reach those who are interested, for example certain staff of the Office of the Supreme People's Prosecutor who are working on developing manuals on human rights did not know that the Ministry of Foreign Affairs has the documents produced by the Project under consultancy of the CTA who used to work with the Project. He said that this is a matter of coordination and that in general there is a growing interest in international law.
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Dr. Jayampathy further stated that the implications of International Covenant on Civil and Political Rights (ICCPR) implementation are still not fully appreciated, and that is a great opportunity in this regard for cooperation in the development of the legal sector "vision" i.e. the strategic framework for the development of the legal sector currently being developed as part of the UNDP project at the Ministry of Justice. The

quality of this "vision" will depend on the involvement of the Ministry of Foreign Affairs because of the major implications of the ICCPR which should be made known to all the legal sector institutions.

13. Ms. Marita Meranto raised the question of the working office for the Chief Technical Advisor to be recruited as part of the Phase II Project. She said that if the CTA sits in different place than the rest of the project team, the Project cannot make full use of the CTA's expertise. It was agreed at the meeting that this matter should have thorough consideration.

Ms. Marita also emphasized the importance of law dissemination with Official Gazette, libraries and website, and requested further strengthening of activities for law dissemination in the future.

14. Dr. Maligna Saignavongs, consultant to the Project, gave two suggestions for the Phase II Project. Firstly, also village and district level officials should be invited to provincial workshops because rights violations happen mainly at the village level. Secondly, there is currently no permanent reporting unit for human rights treaties. It is ineffective to have separate working groups for reporting on different human rights treaties.

15. Mr. Phoukao Phommavongsa, Director-General of Office of the National Boundary Committee, suggested that the number of staff at the project and at the Department of Treaties and Law should be increased. The project working group could consist not only of the staff from the Ministry of Foreign Affairs but also from other line ministries. For example, the Ministry of Construction, Transport, Post and Communication should assist with the landlinked theme.

He continued by explaining that the lack of the Project Management Committee in Phase I was due to the fact that the Government didn't receive a good enough report for establishing the said Committee

Mr. Phoukao gave an example of a Prime Ministerial Decree issued a few months ago which was contradicting with existing laws because of a lack of coordination. He asked for measures to protect the government from such mistakes in the future.

He further raised the issue of how to arrange the next mission to the UN in Geneva, and the question of whether the government should establish a permanent mission there?

Mr. Phoukao recommended that a handbook or textbook [in Lao language] on international law should be made in Phase II. Already many treaties have been translated but a text book in Lao is still lacking.

16. In closing, Ms. Marita Meranto congratulated and thanked the project. She assured of her confidence that any remaining issues can be solved and that there are many good ideas to further improve implementation of the new Phase II Project.
17. Ms. Setsuko Yamazaki summarized that the new Phase II Project is clearly needed e.g. to improve government coordination regarding e.g. multilateral environmental agreements, treaties on human rights, commerce, water and biodiversity. In support, UNDP can provide international competencies from all over the world as needed. She finally thanked the donors and closed the meeting at 12:00am.

Approved:

S. Yamazaki
(Setsuko Yamazaki, DRR)