

Annex 1 – Template for SWG reporting

Governance Sector Working Group

SWG Chair and Co-Chairs: GSWG is Co-Chaired by the Minister of Home Affairs, Minister of Justice, and Resident Representative of UNDP.

SWG key mandate: The main objective of the Governance Sector Working Group is to ensure convergence of development partner assistance and approaches in different areas of governance reform, and help execute the Country Action Plan of the Vientiane Declaration on Aid Effectiveness.

I. Sector Overview

Public Service Improvement

State Administration Regulatory Framework

To streamline the state administrative framework, the Government continued consultations on the amendments to the Law on Government, Law on Local Administration and on the draft Law on City and Municipality during 2015. The proposed amendments are expected to address some of the key ambiguities and clarify the roles and responsibilities between the offices of the Prime Minister, Deputy Prime Minister, Ministers and Heads of Ministry-equivalent organization in the Law on Government; the mandates, roles and functions between levels of government and administration (Law on Local Administration) and the establishment of City and Municipality as a local administration (Law on City and Municipality). Also, the proposed amended Law on Local Administration is aimed to promote better relationship between provincial authorities and the National Assembly Constituency Offices. Stronger collaboration with mass organizations and civil society to share experiences participate in the public sector development activities are also suggested in the revised law. The proposed changes incorporate provisions that reflect lessons learned from the pilot implementation of Sam Sang and must also need to be accommodated within the Constitution, which is simultaneously undergoing consultations and updates to address the evolving administrative and legal framework needs of the country. The GSWG held stakeholder discussions in May 2015, led by the National Assembly, Ministry of justice and Ministry of Home Affairs, on the proposed changes to the Constitution and the proposal to establish local Provincial Assemblies. It is expected that draft constitution will be laid before the Ordinary Session of the National Assembly in December 2015 for approval.

Central-Local relations and Service delivery

Following the 2 year piloting to October 2014 of the government's devolution initiative under the Sam Sang policy, the government has extended the policy to cover all provinces and district in Lao from 2015. Under Sam Sang, local administration is being assigned more responsibilities and authority to become more proactive and self-reliant in local development and poverty reduction. The implementation roll-out may be

incremental, depending on local capacity, with certain functions being selectively assigned to districts. The government is also considering how to address the personnel requirement of the expansion of Sam Sang to all district given the fiscal constraint and pressures on State budget. In March 2015, the GSWG convened a panel discussion for stakeholders providing an opportunity to openly share and discuss a review of possibilities for greater alignment between the District Development Fund (DDF) and the Sam Sang implementation, including Budget assignment to Districts. The DDF uses the government's own systems and staff to provide untied block grants together with practical learning to 53 District administrations, enabling them to engage with local communities to identify and provide services related to priority MDGs. By developing the capacity of local administrations, the DDF strengthens MDG service provision and, critically, the ability of the local government machinery to lead and manage local services delivery for a more sustainable approach. Overall the review identified many similarities and common practices and the feasibility of closer local collaboration by DDF to Sam Sang, e.g. DDF could expand its support to provincial administrations in their strategic planning role under Sam Sang. Based on the discussions, MoHA and relevant ministries will consider further how to use DDF modality in the emerging updated government systems, as DDF could be a good factor to support Sam Sang goal to delegate more responsibility to sub-national levels.

In April 2015, the GSWG forum provided an opportunity for concerned parties to further understand and to discuss the national anti-corruption legal framework and operations, inspections and results. The State Inspection Agency informed the participants on the challenges and exercise of their mandate, including successful criminal prosecutions and penalties including jail following due process via the justice system.

People's participation

Lao PDR has various channels and forums for participation. These range from indirect participation through representative institutions such as the National Assembly, approved Party mass-organisations and formal business associations. Participation also takes place through other interest groups, civil society organisations (CSOs), Non Profit Associations (NPAs), the media and other forms of communication.

To meet its domestic objectives, regional obligations and desire to ensure the rights of all citizens, MoHA is leading the process of ensuring that every citizen is included in a national Vital Registration system including births, marriage, divorce, death, etc. The omission of a citizen from such a national register may deprive that person of their fundamental rights to participate and benefit from being a legally recognized citizen of the State. The GSWG met in April 2015 to discuss the plans and progress for civil registration of citizens and also discussed people's participation through engagement in the justice system at grass roots level, including voluntary village mediation mechanism, to formal local Courts.

People's participation in affairs of the country is complex and multi-faceted and understandably may often be open to different understandings in different locations and times. The GSWG organized a panel discussion, which brought together panelist and their views, from government, civil society and development partners in August 2015. This open and productive exchange of views and experiences has helped towards creating a common understanding of what people's participation could and should mean in the Lao PDR context and in development effectiveness. One of the main outcomes of

this workshop was also suggestions for further topics of discussion under People's participation, and how to take them forward under GSWG Public Service Improvement sub-Sector forum and also under other Sector Working Groups, as it is a cross cutting issue.

National Assembly

Over the past five years, the National Assembly has played an increasingly important role in legislation process prior to the adoption of Laws, providing oversight of public services, and enhancing people's participation in the decision-making process through such tools as the hotline, petitions, and public hearings. A constitutional amendment is scheduled to be adopted at the last Ordinary Session of the current Legislature in December 2015, which is expected to pave the way for establishing local assemblies, which will fundamentally change the political architecture at the sub national level. Under the new Legislature coming up in 2016, the NA's 5-year legislative plan is also expected to be renewed, further solidifying the existing legal framework. In terms of the donor coordination, the creation of the International Cooperation and Project Management Secretariat has essentially established a mechanism for the National Assembly to centralize all the support from development partners.

Civil Society

There has been increasing recognition by both central and local government agencies of the valuable role of civil society as service provider. The Vientiane Declaration and the VDII, highlights the importance for increased engagement of INGOs and NPAs in the country socio and economic development process, Decree 115 of 2009 on Associations marked an important step in the formal recognition of NPAs as partners in development. Approximately 149 NPAs have since been registered. These organisations are engaged in community development activities as well as in advocacy and policy dialogue, to the benefit of development policy formulation in an inclusive and bottom-up approach. Following a number of consultation involving INGOs, development partners and representatives from various ministries the INGO implementation guideline were finalised and approved by the Office of the Prime Minister in 2015. A regular mechanism established to discuss the implementation of INGO guidelines, amongst INGOs, DPs and MoFA at the national and provincial level was seen as a step forward. Dissemination of the INGO guidelines was also a topic of the GSWG meeting in August, together with an update report on the status of the revision of the NPA decree and Foundation decree that have been submitted to government for decisions, also having under gone a number of consultations with stakeholders. Among the key changes are (i) the amount of external contribution that NPAs can accept without the need for prior approval and (ii) role of various Ministries in the registration process. Ministry of Home Affairs has a legal responsibility for the proper administration of NPA and Foundations and a curriculum for improving the understanding of the relevant administration charged with facilitating CSO work in the country has been actively developing the necessary administrative and organizational capacities at all levels. A GSWG meeting discussed the themes of the new CSO management database (and MoHA's 5 year plan 2016-2020) in December 2014 (which was not in time to be reported in the GSWG Report to the RTM in 2014).

Legal Sector/Rule of Law

The 2nd cycle of the Universal Period Review for Lao PDR took place this year. The LIOSWG was convened at two very decisive junctures of the UPR review process. Prior to preparing the report on the 1st UPR cycle the Legal and Institutional Oversight (LIO) forum was convened to discuss lessons learnt from the previous cycle and discuss key factors which need to be highlighted in the 2nd cycle report. Following the 2nd review the forum was convened again to discuss potential recommendations which would be accepted by the government. Several suggestions made during the forum are now being transformed into action. The need for a robust monitoring system to track progress of the UPR recommendations were identified as a vital gap that needs immediate attention. Following the session several discussions were held with MOFA to institutionalize an action plan embedded within a forum which can act as a mechanism for coordination and monitoring. The action plan discussions with stakeholders including development partners and CSOs are expected to commence in the coming months.

The people's justice survey was an important initiative carried out by MOJ and SPLSMP with the objective of documenting the status quo of the justice sector. The survey findings will be used as a basis to measure the impact of reforms initiated by LSMP. A dedicated session to discuss the findings of the survey was organized under the subsector framework. Findings of the survey such as low level of legal knowledge among general public, capacity gaps in the justice system and need for more people centered service delivery has only reinforced the need for demand driven law reforms. Representatives from government agencies and the CSOs present at the sessions gained clear insight to social dynamics concerning justice and is expected to be using survey findings to tailor their ongoing as well as future interventions in the sector

The rapid integration of the Lao PDR in the global market economy, together with the objective to achieving a full Rule of Law State by 2020, creates the need for more sophisticated legislation to be adopted rapidly in a broad range of areas. The law making manual developed based on the law on laws 2012, by the project was done to support Lao PDR to follow essential principles in the law making process; transparency and inclusive participation. The drafting of the penal code was discussed as a case study highlighting the benefits the drafting process received from public consultation. During the session several forward looking steps were identified. The recommendations include wider advocacy campaigns and dissemination efforts to inform public of laws being drafted, public participation in village regulation making, need of clear and comprehensive impact assessment reports, building technical capacity of law departments responsible for law making, clear monitoring mechanisms to ensure drafting of laws are meeting required standards and use of CSOs in law dissemination. The session was held in August 2015 and discussions are underway with the MOJ to further improve the law making process.

II. Overview of FY 2014/2015 Sector Performance

Sector outputs and activities (Reporting against process indicators as per the previous year RTM/RTIM follow up matrix and some other related activities as appropriate)	Progress	Challenges and measures	Key messages to inform discussions during the HL RTM
<p>Activity/action: 10.1 An informal quarterly forum between MOFA, INGOs and DPs to be held to discuss key issues concerning the application of INGO guidelines.</p> <p>Baseline 2014: Specific INGO forum not identified.</p> <p>Indicators: 10.1 (a) INGO conference held</p> <p>(b) Key issues raised in the revision of the INGO guidelines taken into account</p> <p>c) Regular mechanism established to table issues of concerns in the implementation of INGO guidelines, amongst INGOs, DPs</p>	<p>INGO informal working group established between MOFA, INGOs and DPs and discusses key issues and concerns, including INGO guidelines.</p>	<p>- For the moment, no formal coordination mechanism</p>	<p>- Necessity to have more systematic meetings to discuss issues of common interest (e.g. format of MoU, administrative environment, etc)</p>

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<p>and MoFA at the national and provincial level</p> <p>Target: Informal forum between MOFA, INGOs and DPs set up</p>			
<p>Activity/action</p> <p>10.2 Feasibility of a similar informal mechanism between MoHA and NPAs, to discuss the concerns around the implementation of the NPA revised decree, will be considered by MoHA.</p> <p>10.3 Technical working group on people's participation to be introduced under the Governance SWG platform. The objective is to share good practices concerning people's participation, such as CSO enabling environment, and role of media</p>	<p>Note from MOHA; This discussion arose during the GSWG Thematic meeting on 27th April 2015 and Vice Minister of MOHA proposed that the existing PSI Sub-sector working group was the appropriate forum to arrange meeting(s) related to people's participation and a separate group will not be established.</p> <p>People's Participation issues were discussed under the PSI sub-sector working group in August and highlighted the</p>	<ul style="list-style-type: none"> - Financial constraints prevents provincial level consultations - Lacks in technical capacity of law makers - Lack of understanding the law making principle - People participation in the law making process enables drafting of laws which are pragmatic and address contemporary needs. - The current law on laws, carries provisions related to public consultations which at times are not adhered to due to lack of finances. The Law making 	<p>People's participation should be a cross cutting issue in other SWG and SSWG (e.g. in the legal sector but also in more focused and social areas like agriculture, education or health where CSOs have a role to play)</p> <p>A more inclusive law making process will be able to produce laws that are more people centered, relevant and pragmatic</p>

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<p>amongst others. Baseline 2014: MOHA, NPAs, DPs had series of formal consultation on the revised decrees.</p> <p>Indicators: 10.2 Regular mechanism used to discuss issues on people's participation established and key aspects related media, civil society, citizen engagement are discussed and conclusions fed into the Round Table Process as well as relevant policy forums</p> <p>Target: Informal forum between MOHA and NPAs set up</p>	<p>importance of peoples' participation at multiple levels and sought to begin to develop a common understanding amongst government, civil society and development partners about people's participation in the Lao PDR context.</p>	<p>manual produced by the SPLSMP project targets such vital aspects and is designed both as a training manual and to function as an advocacy tool to promote inclusive law making.</p>	
<p>Activity/action 10.4 While people's right are promoted as part of the development agenda, it is recommended by the GoL</p>	<p><u>Note:</u> Indicators/targets for 10.4 as well reporting on the progress will be addressed in other forums, as this is beyond the scope of the</p>	<p>-</p>	

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<p>that specific cases related to Human Rights be addressed in other forums, such as human right dialogues, UPR and other avenues. Round Table Process is considered a development forum that should be used to discuss key development issues in achieving targets set forward for the country</p>	<p>GSWG.</p>		

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<p>Activity/action 11.1 The Sector Working Group will facilitate an establishment of a mechanism to discuss and monitor the implementation of the UPR governance.</p> <p>Baseline 2014: Action plan / roadmap for UPR follow up does not exist</p> <p>Indicators:</p> <p>11.1 Existence of action plan / roadmap for follow up of the UPR recommendations in a systematic manner.</p> <p>Target: Action plan/roadmap for UPR follow up developed</p>	<p>During the LIOSWG held in March 2015, several recommendations were discussed relevant to the 2nd review of UPR. The lack of a systematic monitoring mechanism to follow up on progress of UPR recommendations was identified as a gap which was acknowledge by participants. It was agreed that the LIOSWG would look into a possibility of establishing an action plan following the adoption of UPR recommendations by Lao PDR.</p> <p>Following the 2nd cycle review Lao PDR has accepted 116 recommendations out of 196. Discussion have begun with</p>	<p>Lack of capacity to follow up</p> <ul style="list-style-type: none"> - Low understanding of monitoring systems - Lack of vision, strong commitment and understanding related to the mechanics of implementing UPR recommendations <ul style="list-style-type: none"> - This is first time that Lao PDR is developing and adopting the national action plan and can be anticipated to be a time-consuming process to agree on the action plan - Availability of all key stakeholders in finalizing the action plan - Financial constraints to follow up on all the recommendation accepted by Lao PDR 	<ul style="list-style-type: none"> - Lao PDR requires a home grown monitoring system to follow up on the progress of UPR

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	MOFA to design an action plan which will act as a monitoring mechanism to follow up on progress. MOFA will hold consultations with all stake holders including CSO on this topic.		
<p>Activity/action 11.2. Key challenges and opportunities in the scaling up of Sam Sang will be discussed, including sharing lessons from similar development models such as the DDF (District Development Fund).</p> <p>Indicator: 11.2 Key actions emerging from</p>	<p>Panel discussion for stakeholders openly shared and discussed possibilities for greater alignment between the District Development Fund (DDF) and the Sam Sang implementation, including Budget assignment to Districts.</p> <p>GSWG minutes report agreed</p>	<p>The DDF Sam Sang review identified many similarities and common practices and the feasibility of closer local collaboration by DDF to Sam Sang, e.g. DDF could expand its support to provinces in their strategic planning role under Sam Sang.</p> <p>Based on the GSWG discussions, MoHA and relevant ministries will consider further how to use DDF</p>	<p>There is clear recognition of the value of the DDF approach as an effective model that provides stronger capacity together with increased planning and financial responsibility for local admin.</p> <p>DDF could be a good approach to support Sam Sang goal to delegate more responsibility and district Budget assignments to sub-national</p>

Sector outputs and activities (Reporting against process indicators as per the previous year RTM/RTIM follow up matrix and some other related activities as appropriate)	Progress	Challenges and measures	Key messages to inform discussions during the HL RTM
the thematic discussions through the GSWG (SamSang, Penal Code, Local Councils and others as articulated in the work-plan) will be documented and followed up through relevant forums & programmes	actions for follow up within the relevant channel and programmes.	modality in the emerging updated government systems.	levels.
Activity/action 11.3 Key developments on emerging topics related to governance reform such as constitutional amendment, penal and civil codes will be discussed and space for wider participation and contributions from development partners and civil society will be created.	Lao PDR is currently drafting its first penal code. The impact of penal reforms in the criminal justice system was discussed at the LIOSWG held in August 2014. Based on several recommendations from the LIOSWG , the SPLSMP project jointly with the government has established the penal code task force ; a forum which is positioned to provide well-coordinated technical support to MOJ penal code drafting team.	<ul style="list-style-type: none"> - In sufficient understating of the criminal justice system among all agencies concerned - Complex and incremental process which require strong collaboration and support from all stake holders within the criminal justice sector. - Lack of capacity for change. <p>NA</p> <ul style="list-style-type: none"> - Need of a strong political will; - Need to secure two-thirds of the votes of the National Assembly members; - Lack of understanding of 	<ul style="list-style-type: none"> - The penal code needs to be drafted with a long term vision in mind. It should complement the long term vision of the justice sector and well-tailored to suit the evolving economic , social and political terrains of the country - Relevant measures should be appraised to stakeholders, such as: The Law of the Members of the National Assembly and Local Councils in Provinces and Capital; the mechanics and implementing

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	<p>The National Committee, chaired by NA President, previously held a number of technical seminars in regions across the country where policymakers shared opinions in order to draw up the draft.</p> <p>A final draft of the amended constitution is set to be submitted to the NA's special session by October or to the ordinary session of NA in December for debate</p>	<p>multifaceted issues regarding the establishment of Local Councils;</p> <ul style="list-style-type: none"> - Issues on decentralization of powers, collection of taxes and internal revenue allotment; - The technical knowledge on the part of the NA Standing Committee to craft the implementing rules and regulations on the various activities and conduct of the election and the establishment of the National Electorate Committee; and - Budgetary consideration 	<p>rules and regulations to be promulgated by the NA Standing Committee, including the fixing of the date of election and the composition of the National Electorate Committee that will administer the election law. NA representatives, especially from the Standing Committee could share light on the various constitutional amendments.</p>