

GSWG-RTIM 2023: Sector Working Group on Governance (GSWG) Annual Report

SWG Chairs and Co-chairs:

- Government: Minister of Home Affairs & Minister of Justice
- Development Partners: Resident Representative of the United Nations Development Programme (UNDP), Swiss Development Cooperation (SDC) Regional Director of Cooperation, on behalf of the Ambassador Extraordinary and Plenipotentiary to Lao PDR from Embassy of Switzerland in Bangkok, Thailand

SWG Secretariat and Focal Points:

Representatives of the Government and State Institutions of Lao PDR

- Cabinet Office, Ministry of Home Affairs (MoHA)
- DDG, Department of International Cooperation, Ministry of Justice (MoJ)
- DDG, Department of International Organisations, Ministry of Foreign Affairs (MoFA)
- DDG, Department of Fiscal Policy, Ministry of Finance (MoF)
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Representatives of Development Partners

- Head of Governance, UNDP
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1. Main objectives and targets of Sector Working Group in 2023 (1/2 page)

The main objectives of the **Sector Working Group on Governance in Laos** are to **promote good governance, transparency, and accountability within the country**. This involves supporting the development and implementation of policies and practices that uphold the principles of good governance, such as rule of law, effective public administration, anti-corruption measures, and the protection of all citizen by leaving no one behind.

Specifically, the Sector Working Group on Governance aims to **support implementation of 9thNSEDP for progress made against three outputs of outcome 6 and for SDG 16 as follow:**

1. Enhanced efficiency of public governance and administration and deepened implementation of the Sam Sang Directive
2. Improved and harmonized coordination mechanisms and regulations within the public sector to increase efficiency
3. Ensure political stability, peace and order, unity, democracy, justice and civilization within the society

SDG based NSEDP Core Indicators relating to the GSWG	2025 Target
1. Proportion of the public administration structure that has been streamlined according to the Sam Sang Directive: - Departments and divisions at ministries -other agencies - Departments and divisions at ministries- Sections, units and divisions at the local administrative level	20 30
2. Proportion of population accessing justice process (access to justice and government services)	
3. Sam Sang Directive - To establish the province as a strategic unit - To establish the district as a comprehensive unit - To establish the village as a development unit	2/3 (66.6%) 1/3 (33.3%) 2/3 (66.6%)
4. Proportion of the essential basic services required of the governing party as online services	50
5. The quality of monitoring, respecting the implementation of the law and ordering the accused to be promoted to the court to be upgraded - Proportion of resolved cases - Proportion of court judgements according to the statement of the prosecutor	95 95

2. What are the key results and impacts achieved within your sector in 2023 against the 2022 RTIM policy recommendations, and 9th NSEDP, SDGs and sector strategies? (1-2 pages)

I. Public Governance, public administration and Sam Sang

1.1 Government structures and administrative framework

1. Accelerated efforts for the improvement of laws-regulations in the governance sector – drafting and reviewing of:

- Three key Laws (1. New draft Law on Public Administration), 2. Adopted Law on local administration (2015), and 3. Adopted Law on civil servants (2015)
- Nine Decrees and two strategies which are: (1. Decree on the structure of government organizations, 2. Decree on personnel and downsizing the number of civil servants, 3. (Revise) Decree on job description, 4. Decree on organization and operation of municipality, 5. Decree on technical positions for civil servants, 6. Decree on managerial position criteria, 7. Decree on public service agencies management, 8. Decree on public servants and 9. Decree on nationality for international investors
- Two strategies (1. Strategy on improvement of institutional structure, and 2. Strategy on local administration for Lao PDR)

2. Further efforts made on Government structure reforms - decentralization of decision-making authority to local governments in Laos represents a significant effort to enhance good governance, improve service delivery, and promote local ownership of development processes. The Government has made recent progresses in four key components as follow:

1. **Devolution of Power:** This involves delegating decision-making authority, administrative responsibilities, and service delivery functions to local government bodies, such as provincial, district, and village-level administrations. Recently, this has allowed local officials to respond more effectively to the specific needs and priorities of their communities. In 2023, the Government categorized three provinces as strategic units (Vientiane Capital, Savannakhet and Champasak) in line with Sam Sang Directive. On-going work for Xiengkhouang, Luang Namtha, Laung Prabang, Oudomxay, Houphphan, Xayabouli, Viengthiane to assess their readiness for establishment of a strategic unit (Province), a comprehensive strengthening units (District) and a development unit (Village)
2. **Fiscal Decentralization:** Guideline and instruction 77/PM date 02 March 2023 have been finalized and disseminated across the country for the reform which includes the transfer of financial resources and budgetary powers to local governments, enabling them to manage local expenditures, prioritize development projects, and allocate resources in accordance with local needs. This can enhance local autonomy and accountability in resource management.
3. **Capacity Building:** in 2023, the Government carried out more than 10 training sessions across the country in order to strengthen the capacity of local government officials and staff to effectively manage decentralized functions, promote participatory governance, and engage with local stakeholders in decision-making processes.
4. **Legal and Policy Framework:** Reforms also involve the development and implementation of legal and policy frameworks that define the roles, responsibilities, and powers of local governments, as well as mechanisms for coordination and cooperation between different levels of government. In 2023, the Inter-Ministry Committee (IMC) has been operationalized with a clearer mandate to further facilitate the decentralization process (Sam Sang) and strengthen a more integrated approach to planning, finance and sub-national administration improvements that underpin better service delivery to local citizens. The IMC also provides a national level platform to oversee the implementation of the District Development Fund and its full alignment into national systems. Although the programme of support for the functionality of the Fund was completed a few years back, the Government has been working with local authorities on how to maximize the potential of the Fund to support local communities in particular during the time of COVID19 and beyond.

3. Completion of structure of organization, clearer responsibilities and job description – all ministries and provinces. In 2023, all provinces and ministries in Laos established clearer

responsibilities and job descriptions with an overall aim of enhancing the effectiveness and efficiency of government operations. By defining roles, responsibilities, and reporting lines, this reform seeks to promote transparency, accountability, and professionalism within the public administration, ultimately contributing to improved governance and service delivery. Progresses made so far in all provinces and ministries include:

1. **Organizational Structure:** The reform efforts entail defining and formalizing the organizational structure within provincial and ministerial offices. This includes clearly delineating the hierarchy of positions, establishing reporting lines, and structuring departments or units according to specific functions and responsibilities.
2. **Job Descriptions and Responsibilities:** The recent reform involves developing comprehensive job descriptions for positions within government entities. This includes outlining the specific roles, duties, and responsibilities of each position, as well as defining the scope of decision-making authority and accountability.
3. **Capacity Building:** MOHA organized series of trainings/seminars/workshops in 2023 to strengthen the capacity of government officials and staff by providing guidance on organizational management, job responsibilities, and effective performance management. This includes promoting professionalism, ethical conduct, and adherence to established job descriptions.
4. **Performance Evaluation and Accountability:** the Government puts more emphasizes on the implementation of performance evaluation mechanisms to assess the effectiveness and efficiency of government officials in fulfilling their responsibilities. MOHA's guideline was disseminated across the country in 2023 on establishing accountability measures to ensure that officials are held responsible for their performance and conduct.
5. **Coordination and Collaboration:** Efforts are made to improve coordination and collaboration between different provincial and ministerial offices, ensuring that responsibilities and job descriptions are aligned to support cohesive and efficient governance at both local and national levels.

1.2 Delegation of responsibility (Decentralization) and local service delivery

The government has recognized the importance of empowering local authorities and communities to take on more responsibility for decision-making and service provision, in line with the principles of good governance and effective public administration. Some of the key areas of progress include:

1. **Accelerated efforts for the implementation of the Sam Sang Directive**
 - Adoption of three provinces as strategic units (Vientiane Capital, Savannakhet and Champasak)
 - On-going work for Xiengkhoug, Luang Namtha, Laung Prabang, Oudomxay, Houphan, Xayabouli, Viengtiane to assess their readiness for establishment of a strategic unit (Province), a comprehensive strengthening units (District) and a development unit (Village)
2. **Finalization of the One Door Service Center Strategy 2030 and functionalization of One Door Service Center** - 58 centers across the country and more centers will be available toward 2025
3. **Development of the digital master plan and the implementation of e-governance by line key agencies** – electronic civil service management (PIMS Version 3), Gov-X application, digital health strategy, scaling up the e-CRVS system, etc

4. **Community Participation:** The Government has emphasized the importance of community participation and engagement in local decision-making processes. Efforts have been made to promote participatory approaches to governance, including the involvement of local communities in planning, budgeting, and monitoring of local service delivery. In different parts of the country, Village Development Committees have been established to facilitate community participation in local development initiatives. These committees often include representatives from different segments of the community and work together with local authorities to identify and prioritize development projects.
5. **Improved Service Delivery:** Decentralization has led to improvements in local service delivery, including healthcare, education, infrastructure, and social services. In recent years, the Government has finalized an instruction no. 97/MOHA, date 15 March 2023 for allowing local authorities to have greater control over service provision in accordance to the Sam Sang policy with an aim to address the specific needs and challenges faced by different communities.

II. Coordination and regulations for increased efficiency

2.1 Public Personnel/human resources

The recent progress on public personnel/human resources reflects the government's commitment to strengthening the capacity and professionalism of its public sector workforce. Some of the key areas of progress include:

1. **Greater application of an independent and merit-based civil service system** throughout the country in accordance to key Decrees, for instance, Decree on personnel and downsizing the number of civil servants, Decree of job description, and others. Implementing codes of conduct for public officials and smart-Cards for civil service
2. **Capacity Building and Training:** in 2023, MOHA carried out a number of trainings for managerial and technical position across the country. The Lao government has prioritized capacity building and training programs for public sector employees. This includes investing in training opportunities to enhance the skills, knowledge, and competencies of government officials, particularly in areas such as leadership, management, and technical expertise. Efforts have also been made to provide training in modern human resources management practices.
3. **Modernizing Human Resources Systems:** There have been efforts to modernize human resources systems within government institutions. This includes the implementation of modern HR management practices, such as performance management systems, recruitment and selection processes, and the establishment of standardized job classifications and descriptions and the establishment of recruitment committees, reduction of civil servants in line with the national agenda (2021-2023). SMART cards for civil servants which link to the national public services' Personnel Information Management System (PIMS) has been expanded to province and district level in 2023.
4. **Professionalization of the Civil Service:** The government has taken steps to professionalize the civil service by emphasizing merit-based recruitment, promotion, and career development. PMO's instruction was disseminated to all provinces and ministries in 2023 to ensure that public sector positions are filled based on qualifications, skills, and performance, rather than political or nepotistic considerations. The manual for civil service management was finalized and disseminated in 2023.

5. **Strengthening Legal and Regulatory Frameworks:** Laos has worked towards strengthening the legal and regulatory frameworks related to public personnel management. This includes the development of laws and regulations governing employment, labor relations, and civil service management, aimed at promoting transparency, fairness, and accountability in human resources practices.
6. **Focus on Ethical Conduct and Accountability:** The government has placed an emphasis on promoting ethical conduct and accountability among public sector employees. Efforts have been made to instill a culture of integrity and professionalism, and to establish mechanisms for holding employees accountable for their actions. In 2023, a training curriculum on performance appraisal and development of civil servants was assessed and developed for each level, such as the curriculum for training of high-ranking officials at the Director General level and other levels.
7. **Collaboration and Knowledge Sharing:** The government has actively participated in regional and international forums on public personnel management, allowing the country to benefit from best practices and experiences of other nations. This has facilitated the exchange of knowledge and expertise in human resources management, contributing to the overall progress in this area. A number of work shops with ASEAN countries were organized in 2023 on public administration at central and local level; and some trainings on planning, budgeting and financial management were organized by the World Bank, ADB in partners with other partners as part of the new Public Financial Management Reform project. Study tours to Viet Name and China were also organized to discuss various matters on public administration.
8. **Gender equality in public administration:** MoHA have taken part in a global initiative (along with Mauritius, Senegal and Bhutan) to enhance the presence and leadership of women in public institutions at national and local levels in Lao PDR through the implementation of an action plan that promotes women's career progression towards leadership positions in the public sector.

III. Rule of Law, access to Justice

3.1 Legal sector, rule of law, institutional oversight

In recent years, significant progress has been made in the legal sector, rule of law, and institutional oversight, signalling the government's commitment to strengthening the country's legal framework and governance institutions. Some of the key areas of progress in 2023 include:

1. **Implementation of Legal Sector Master Plan:** To date, 165 laws were adopted and many promulgated laws were amended to fit the reality and the socio-economic development level; Courts and prosecutors' offices restructured or expanded; establishment of an administrative court and the Village Mediation Units (VMUs) in most villages.
2. **Continue implementation and dissemination of penal code and civil code;** the law on lawyers; legal aid and legal fund decrees; law on treaty; and law on judgment enforcement. The codifying of the criminal and civil codes is a significant exercise that marks a critical juncture in the legal sector evolution, as the codes are expected to introduce new legal provisions in both spheres giving rise to significant changes in the legal landscape. Importantly, international obligations will need to be incorporated into domestic laws.
3. **The legal aid** -Efforts have been made to expand nationwide coverage of legal aid services. There are now seven regional provincial branches (Oudomxay, Xayabouly, Xiengkhuang, Vientiane Capital, Xekong, Savannakhet and Champasak) with nine legal aid offices. Legal Aid Webpage was recently developed and added to the MOJ's main website. MOJ carried

out various legal education and awareness by conducting legal literacy programs, workshops, and outreach activities to inform individuals about their legal rights and the available avenues for legal aid. The Legal Aid Action Plan (2023-2026) has been progressed with aims to establish a clear blueprint for the provision of legal assistance and representation in Lao PDR, in particular for vulnerable groups, such as survivors of gender-based violence or trafficking, persons with disabilities and children.

4. **Improved capacity for Legislative Review and Scrutiny** - endorsement of Post-legislative scrutiny (PLS) guide and Resolutions
5. **Enhanced engagement with and responds to public concerns:** operationalization of the case management system for all provinces, petition databased management system,
6. **Juvenile justice system** - Initiated a data collection system for juvenile justice
7. **The judiciary with a more user-centric approach:** Court user engagement strategy developed

IV. RTIM recommendation

RTIM 4 relevant to GSWG - Participation and civil society

People's participation and representation

People's participation and representation have been areas of focus for the government in recent years, as efforts have been made to enhance citizen engagement in decision-making processes and improve representation at various levels of governance. The civil society perspective broadens the basis for knowledge exchange, which is a precondition for inclusive and sustainable development and unleashing the full potential of Lao PDR's future generations. During the Round-Table Meeting hold in January 2023, it was recognised that more could be done to create robust participation and systematic engagement with civil society members and the private sector. A specific recommendation was formulated in this regard: “There is a need to **speed up the process of providing further entry points for exchange, discussion, and participation with all segments of society.** Specifically, there is a collective call for further consideration of **streamlining processes to help development partners deliver assistance with, and through, civil society** participation in a more efficient and timely manner.” In 2023, the following steps have been taken to implement this recommendation:

1. **Local Governance:** further implementation of decentralization reforms aims at enhancing local governance and community participation. This includes the establishment of village and municipal councils, which provide platforms for local citizens to voice their concerns, participate in local development planning, and contribute to decision-making processes at the grassroots level. In 2023, system of village councils has been fully operationalized with clearer instruction from the Government on a platform for local communities in decision-making.
2. **Civil Society Engagement:** The government has increasingly recognized the importance of civil society organizations in promoting people's participation and representation. Efforts have been made to create an enabling environment for civil society groups to operate, allowing them to advocate for various issues, provide services to communities, and engage in policy dialogue with the government. Enabling environment for local civil society operation has been improved. For instance, average time to register NPAs has been improving from 595 (2018) to 151 working days (2022/2023). MoHA has declared further revising the CSO regulatory framework as one of their top priorities. This process shall allow to clarify, simplify and shorten the CSO

registration process and support CSOs in their operations, a.o through increasing the budget ceiling over which an MOU is required. This shall remain a key priority of 2024 together with the simplification and acceleration of approval process for MOU of development projects implemented by international CSOs/NGOs.

3. **Consultation and Dialogue:** The government has sought to engage in consultations and dialogues with various stakeholders, including citizens, civil society organizations, and the private sector, to gather input on policy issues and development plans. This has been particularly evident in the formulation of national development strategies and plans, where efforts have been made to incorporate the views and concerns of different groups. Building on the 2023 RTM recommendation to review the SWG performance, in 2023, the **Terms of Reference (ToRs) of the Governance Sector Working Group (GSWG) were revised** in order to reflect a.o the increased importance of civil society engagement in development processes. Mechanism for public consultation and participation - the hotline, petitions, and public hearings were also enhanced. In 2023, the National Assembly has endorsed an innovative Public Engagement Toolkit and has finalised a roadmap for introducing this tool to the provincial level.
4. **Access to Justice:** The government has worked to improve access to justice and legal representation for all citizens, leaving no one behind. This includes initiatives to provide legal aid services, promote legal awareness, and ensure that individuals have the opportunity to seek redress through formal legal channels. The Legal Aid Webpage was recently developed and added to the MOJ's main website (moj.gov.la). The MOJ will use the webpage to provide Lao citizens with information about legal aid services. The public can go to the website, ask questions, and request advice and consultation from the MOJ free of charge. MOJ utilizes legal aid, including the webpage, to ensure that vulnerable people — such as the poor, disadvantaged, people living with disabilities, children, victims of violence, and victims of human trafficking — have access to legal resources.

RTIM 5 relevant to GSWG - Gender equality

Gender equality and women's empowerment: Efforts have been made to promote women's participation and representation in decision-making processes, both in the political arena and in other spheres of public life. This includes measures to increase the number of women in leadership positions, as well as initiatives to address gender disparities in education, employment, and civic engagement. Developing comprehensive gender-based analyses for all major government policies and programs to ensure that gender considerations, as a key cross-cutting enabler of growth and development, are present and accounted for in all of the policy decisions that Lao PDR makes was a specific recommendation from the 2023 RTM. In 2023, Laos has made significant progress in promoting gender equality and women's empowerment. The establishment of a national guideline and communication manual for social and behavioral change related to violence against women demonstrates the government's commitment to addressing this critical issue. These resources are essential for guiding and coordinating efforts to combat violence against women and promote gender equality. Moreover, the release of Standard Operating Procedures (SOPs) for responding to gender-based violence (GBV) in the justice sector and establishing referral pathways for survivors of GBV is a significant step toward ensuring that survivors receive the support and care they need. These SOPs are crucial for providing clear guidelines and protocols for law enforcement, legal professionals, and service providers to effectively respond to and support survivors of GBV.

RTIM 6 relevant to GSWG - Review of the GSWG and TOR

The Governance Sector Working Group (GSWG) in Laos has recently completed a review of its mandates and has subsequently made key adjustments to its Term of Reference for the

upcoming year, 2023. This review process likely involved a detailed assessment of the group's objectives, goals, and responsibilities, with the aim of ensuring that they are in line with the current priorities and requirements of the government sector in Laos. As a result of this review, the GSWG was reactivated towards the end of 2023, and the first meeting of the sector was organized on 12 December 2023. Additionally, a meeting of the sub-SWG on Public Services Improvement and Citizen Engagement (PSI & CE) SSWG was held on 29 November 2023. Furthermore, technical discussions were conducted before the GSWG meeting for the Sub-Sector Working Group on Rule of Law, Access to Justice, and Institutional Oversight (RoLAI), and the sub-Sector Working Group meeting is scheduled to be organized on 12 January 2024.

The reactivation of the GSWG and the subsequent organization of these meetings indicate a concerted effort by the group to enhance its responsiveness and effectiveness in addressing the evolving needs and challenges within the government sector. It also underscores the group's commitment to aligning its activities with the current priorities and demands of the sector, ultimately aiming to contribute to the overall improvement of governance in Laos.

3.a Building on the recommendations of the Mid-Term Review (MTR) of the 9th NSEDP, what are the SWG's key priorities for 2024?

During the meeting of the GSWG on 13 December 2023, members of the group have agreed on the following specific thematic priorities for 2024:

1. **National Assembly petition system**: petitioned issues and newly developed back-office petition-handling tool
2. **Non-profit Associations (NPAs)**: Lessons from implementing Decree 238 on Non-Profit Associations, and review process of Decrees 238 on NPAs and 149 on Foundations
3. **One door service centers**: mandate, responsibilities, services, usage, streamlining, inter-ministry coordination & service user feedback (ethnic/women users)
4. **Strengthening access to justice, especially legal aid services for women, ethnic groups, vulnerable groups, and persons with disabilities**
5. **Participation and representation of women, persons with disabilities, and ethnic groups** in the judicial institutions and legislature

II. Coordination & information exchange

1. GSWG meeting (Policy level – at least once a year)
2. SSWG meetings (Technical level – four times a year)
3. Regular cross-sectoral coordination and active participation in other SWG meetings and the Round Table Process

3.b Building on the recommendations of the Mid-Term Review (MTR) of the 9th NSEDP, what are the SWG's key priorities for the conceptualization of the 10th NSEDP?

Building on recent progresses in various elements, some potential key focuses from 2026 to 2030 which is the same timeline for 2030 development agenda to “leave no one behind” and the LDC graduation could include:

1. **Further strengthening institutions:** Greater efforts for promoting transparency and accountability in government, strengthening PPA, and increasing citizen participation in decision-making processes.
2. **Enhancing judicial effectiveness:** This could involve improving the training and capacity of judges, prosecutors, lawyers and courts, ensuring the impartiality of the judiciary, and increasing access to justice for all citizens.
3. **Combating corruption:** This could involve implementing anti-corruption measures, promoting transparency and accountability in government and business, and increasing public awareness of the negative impacts of corruption.
4. Protecting and engaging the most vulnerable groups, including women, ethnic groups, person living with disability, **a.o through strengthened engagement of civil society**
5. **Improving public services and public finance management:** This could involve enhancing the efficiency and effectiveness of public services through further devolution of power and resources to sub-national levels, and ensuring fairness in the quality, accessibility and affordability to all citizens, regardless of their socioeconomic status.

4. What are the key lessons learned for the SWG, including from the MTR of the 9th NSEDP?

Building on past experience of GSWG, the success of a sector working group in Laos depends on

1. **Clear mandate and coordination** - defining the roles and responsibilities of different stakeholders, establishing clear lines of communication and coordination, and ensuring that all members are aware of their roles and responsibilities.
2. **Strong leadership from both chairs and co-chairs** and efficient support from the secretariat- to organize and conduct meetings, facilitate discussions, and ensure that decisions are made in a timely and efficient manner. This involves having a chairperson or facilitator who can manage the group's activities, keep members engaged, and guide discussions towards productive outcomes.
3. **Active and timely participation** - Members should be encouraged to contribute their expertise, share information, and participate in discussions in a timely manner. This can be achieved by creating a culture of open communication, providing opportunities for members to engage in the group's activities, and recognizing and rewarding active participation.
4. **Evidence-based decision making** - Sector Working Groups should be data-driven and evidence-based. This involves collecting and analyzing data to inform decision-making, using evidence-based approaches to develop policies and programs and monitoring and evaluating the effectiveness of these initiatives.

Sustainability planning – focused on building capacity and institutionalizing their efforts to ensure lasting impact. This involves developing sustainability plans that outline how the group's activities will be continued and scaled up over time.