

**Report To General Meeting
2002-2003 Ordinary Session
Of Board Of Bar Association Of Lao PDR**

Excellency Representative of National Assembly
Excellency Minister of Justice
Excellency representative of Supreme Public Prosecutor
Excellency Representative of People's Supreme Court
Excellency Representative of Police Department

- Department of Investigation and Control
- Representative of Department of Economic Police
- Municipality Security Police

Distinguished guests, members of Bar Association,

- With reference to Prime Minister Decree No. 64/PM, dated 21/02/1996
- With reference to Article 9 of Prime Minister Decree, Article 13 of By-Law of Bar Association of Lao PDR

As Chairman of Bar Association of Lao PDR, on behalf of Board of Bar Association, I would like to report about the achievements of 2002-2003 with relevance to the implementation of the first phase of Four-Strategy Plan of Bar Association of Lao PDR.

Forty nine lawyers including 24 professional lawyers and 25 practice lawyer participate in this meeting.

My report is divided into 3 parts:

- I. Situation, implementation of plan and achievements
- II. Evaluation of strengths and weaknesses of Bar Association
- III. Obstacles to overcome with resolution

Part I. Implementation of Plan and Achievements

1. Following the Second General Meeting, the Board of Administration has convened a meeting to develop a Plan defining 4 strategic tasks.
 - Improvement and increase of number of membership
 - Coordination with other organizations within the judicial system
 - Dissemination of by-laws and role and responsibilities of Bar Association of Lao PDR
 - International cooperation for additional experiences and fund support

The implementation of 4 strategic tasks is divided into 2 implementation phases.

The first phase started from June 2002 to December 2002 focusing on the strengthening of the organization, the administration, finance, increase of number of membership to address the needs of the population in the whole country, to gain confidence of the population and the government.

2. Based on the Plan, the Board of Administration has improved the organization of Board of Administration of Bar Association by defining 3 administrative positions as the following:
- Administration and internal/external relations
 - Membership statistics management and trainings
 - Plan and Finance

The responsibility for the 3 positions are delegated to 3 members of Board of Administration:

- Mr. Vang Saysana, responsible for administration
- Mr. Mek Savaly, responsible for management and training and reception of request application of candidate lawyer
- Mr. Phasit Phommahak, responsible for Plan and Finance

The President assumes the responsibility for overall direction of the organization.

The Vice-President is responsible for the technical study and assumes the responsibility on behalf of the President during his/her absence.

3. The Board has convened an ordinary meeting to define different fees , namely: membership fees, license fees for lawyers, lawyer application fees and obligation fees to the government.
- Agreement on the division of lawyers in the Capital City into 8 units, 8 lawyer offices.
 - Agreement on region of responsibility for improvement and division into 5 lawyers regions:

- Region 1: Champassack, under the responsibility of Mr. Mek Savaly
- Region 2: Savannakhet under the responsibility of Mr. Phivat Vorachak
- Region 3: Khammouane, under the responsibility of Mr. Sup Phommalat
- Region 4: Luangprabang, under the responsibility of Mr. Phoumy Sioudomphan
- Region 5: Udomxay, under the responsibility of Mr. Sisavong Vithaxay

4. As a regulatory basis for the administration and performance on each region and unit, the Board of Administration has issued an Instruction No.034, dated 09/10/2002 on the temporary regulations and principles for the administration.

5. The Board has submitted to Minister of Justice a request to issue professional license to 20 lawyers and authorization to 19 practice lawyers in addition to request for official stamps for Board of Administration, Control Committee and for lawyers in total 15 stamps such as: 13 for lawyers, one for Administration Board, one for Control Committee. Outputs: 17 professional lawyer licenses and 18 authorizations for practice lawyer.

Following the authorization, President of Bar Association has issued certificates to lawyers to practice the profession and to practice lawyers in mid September 2002.

6. To facilitate the legal service to the population, Board of Administration has issued a Decision to each unit, region to open the office.

Up to now, 4 lawyers offices are opened, namely: unit 7, unit 1, unit 3 and unit 5 and 4 other offices are in the process of opening, namely: units 2, 4, 6, 8.

For provinces, 3 regional office have opened their office, namely: region 1, 4, 5 and 2 other regional offices are in the process of opening their office, namely: region 2 and 3; but region 6 is newly established and is not yet operational.

7. Concerning official stamps, the government has given approval for 8 official stamps, as the following:

- One stamp for Board of Administration and one stamp for Control Committee.
- Five regional offices stamps and one stamp for Municipality region totaling 6 stamps.

The finance starting with zero amount enjoyed contributions in terms of fees and support from members, namely: Mr. Souay Saysanasy has contributed one million kip. As of now, the savings bank account amounts to 3 million kip.

8. Legal services

Following the notification of official start of public service in mid September 2002, lawyers both professional and practice lawyers have started offering services to the public along with the training to practice lawyers.

The services included the arbitration of penal case in which the court has selected our lawyer for the defendant alleged to be involved in drug trafficking in the Udomxay provincial court.

In general, the services were found positive in protecting the interests of the defendants with appropriate manners and lawyer ethics. In some cases, writing and coordinating with other relevant organizations were observed to be problematic and lack of smoothness leading to prejudices and mutual misunderstanding. Objectively, defending the clients faces many limitations in the relationship with the client and in obtaining documents or copies to be used as evidences if personal relationship is not established before; but, these are not general cases.

In details, we have served in total 48 cases including:

- 10 penal cases
- 38 civil cases

The number of members before the second general meeting was 26; five members passed away before the second general meeting and 2 members passed away after the second general meeting. In total 7 members have passed away.

After the training, 17 practice lawyers have graduated into professional lawyers while 3 practice trainees have to undergo additional training.

Following the performance assessment, the Bar Association meeting dated 9 September 2003 has eradicated one member's name from the membership due to violation of the regulations of Bar Association.

At present, there are 61 lawyers including 30 professional lawyer and 31 candidate lawyers. Among the 61 members, 2-3 members are not fully active due to physical health problems.

Seven lawyers are working permanently for companies, namely: one lawyer for tourism company, one lawyer for consulting company, two lawyers for trade companies, two lawyers for insurance company and one lawyer for Malaysian agriculture development company.

These 61 members are pooled from retired government officials, police, National Front, Court, Ministry of Justice, Ministry of Foreign Affairs, students having limited work capacity; they at the same time work and draw lessons.

Training and strengthening of capacity

- Five members have participated in a seminar on business laws organized by JICA in the country and one member has participated in the training in Japan.
- Three members have participated in a workshop on trade and business laws organized by a French supported project;
- Two trainings were organized on skills and roles of lawyers for 30 lawyer candidates including 2 female candidates, 9 candidates from provinces and 21 from the municipality of Vientiane.

Coordination works

One delegation has called on People's Court of Vientiane City and People's Supreme Court.

- Dissemination of role of lawyers and laws

Dissemination of role of lawyers and laws has not been carried out extensively; our lawyers only took the opportunity of visits in the localities to discuss individually with the clients and other people, and once we have lectured to a technical school in Savannakhet and to Law School in Don Nok Khoum about the role and functions of lawyers.

- International relations

The Board of Administration gives a lot of importance to this work but activities are only at the beginning phase:

We have discussed with Thai Bar Association of Khon Kaen province and then discussed with Canadian Lawyer delegation and have cooperated with international organizations supporting Lao legal sector such as: JICA, SIDA, U.S. consulates for 10 times in total.

Especially, Lao Bar Association has met with UNDP to inform about Lao Bar Association. UNDP has shown interest and has promised assistance for one year as a trial phase with a total budget of US\$125,000.00.

We have sent 2 man delegation to attend a meeting on legal assistance to South-East Asia in Phnompenh, Kingdom of Cambodia.

One-man delegation has attended a meeting on international crime of ASEAN in Bangkok, Thailand.

In the two meetings, our delegation has informed about our association and draw interest from foreign organizations for assistance to our Bar Association.

As a result, we have forged relationship with foreign lawyers and lawyer associations and many countries have pledged support to our Bar Association. Up to now, many countries have sent us documents on laws on lawyers. Those

documents are found of high value for the improvement and development of laws on lawyers in the near future.

Part II. Evaluation of strengths and weaknesses

Through the implementation of phase I, strengths and weaknesses can be summarized as the following:

- Strengths

Strategic functions of Bar Association in line with the realities resulting with the support from government, people, foreign friendly countries and international organizations.

The functions of phase one are in accordance with internal situations of Bar Association and are useful in promoting the role and duties and image of Bar Association among the Party-government and private sector, people and consequently reducing the negative critics.

Board of Administration and members are committed and to improve themselves aiming at promoting the role and duties of Bar Association at the level similar to other organizations in the society. Board of Administration is united in the direction and in the implementation and committed to achieve the plan.

Temporary principles for administration and technical fields are established and extended to 6 regions of the country.

Actively participated in experiences sharing sessions and in international workshops to promote understanding by foreign countries international organizations for further support.

Consequently, many countries have extended assistance in terms of documents valuable for the improvement of lawyer systems in Lao PDR.

Especially, UNDP has promised one year pilot assistance to Bar Association of Lao PDR worth US\$ 125,000.00.

The membership has increased in phase I from 17 to 61 members. Lawyer offices are established in some regions and in the Capital City of Vientiane such as region 1, region 4 and region 5 and in Capital City as well as 4 unit offices such as unit 1, 3, 5 and 7.

The achievements were realized due to support and facilitation of Ministry of Justice and the government for which we are deeply grateful.

- Weaknesses

Weaknesses are observed in the coordination and dissemination of information. Role and duties of lawyers are not widely understood among the society; these affect the implementation of administrative functions of our Bar Association.

The implementation of Instructions No.034/9/02 was not carried out adequately resulting in irregular administrative relationship between Board of Administration and units, regional offices, non-transparent payment and collection of fees offering opportunities obligation fees evasion and complicated accounting.

The management of statistics, trainings, dissemination of information, award and sanctions were not carried out according to internal regulations; the administration has not committed to the improvement of accounting procedures and document management, the finance has not carried out the function of treasury – establishment of procedures for revenue and expenditures.

The responsibility allocated to Board member was not implemented properly; tendency to avoid difficult duties, reliance on others, avoidance to make decisions, lack of courage and decision and accountability were observed.

Service to the people limited and does not reach vulnerable areas.

Part III. Tasks to fulfill with resolution

During the implementation of strategic tasks in the middle of the 2 general meetings, we observe difficult tasks and obstacles ahead requiring continuous decision and resolution:

The capacity of members to address the needs of the society is low.

Regulations for administrative management at international standard are far below the level of Indochina or East Asian countries.

Lack of fund to support developments

Knowledge and spirit to abide by the laws of the people need to be strengthened extensively; many violations of rights of people in terms of lives, assets, health, and security are still observed and many people still do not enjoy fully their democratic right mainly for the case of remote mountainous areas.

Conclusion

The achievements made are important strategic evidences pointing out that the improvement of role and duties of our Bar Association is feasible aiming at steady and sustainable development in tandem with other organizations in legal systems.

We certainly could overcome the weaknesses and shortcomings encountered in the early phase of the process.

Shall we have no spirit of nationalism, not respect regulations or be not accountable to overall interest or being indecisive, the process of Bar Association will not develop.

Thank you.