



**Strengthening Legal Education
at the Faculty of Law and
Political Science,
National University of Laos**

Mid-term Assessment

**Pär Sköld, SIPU
Xaynari Chanthala, PricewaterhouseCoopers**

**Vientiane and Göteborg
December 2006**

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Foreword

*“Knowledge is what remains
after forgetting everything we learned”*

Promoting the rule of law in Laos is indeed a challenge. It is easy to be sceptical. We, the consultants who have written this report, have however been inspired by the people we have had the honour to meet at the Faculty of Law and Political Science at the National University of Laos. The dedication we have met gives us reason to think that change is possible and that the FLP can have an important role to play in this process.

We are grateful for all the friendliness and generosity with which we were met when carrying out this assignment. We want to thank everyone for sharing information and ideas.

Hopefully this report may contribute positively to the continued cooperation between the FLP, Umeå University and Sida. If so we are more than satisfied.

We are two consultants in the team, but the main author of the report (Sköld) assumes full responsibility for all shortcomings and any critique or comment that may have been expressed too bluntly. Ms. Chanthala does not necessarily share all opinions expressed.

We very much welcome any comments the reader may wish to make.

December 2006

Pär Sköld
par@pnyx.se

Xaynari Chanthala

Executive Summary

Cooperation between Laos and Sweden aimed at strengthening the legal education at the Faculty of Law and Political Science (FLP) was initiated in 2000. Umeå University was contracted as an implementing partner. The second phase of the project will come to an end in 2008.

The overall objective is to "Improve the quality of graduate students". It is hoped that this in the long run will contribute to the rule of law in Laos.

In November 2006, the Embassy of Sweden in Vientiane contracted two independent consultants to carry out a mid-term assessment of the project. The findings in this report are based on written material and on interviews and observations. Field work was carried out in November 2006.

In our assessment of the project we have found that:

- The project is relevant;
- Most of the project activities are effective;
- Cooperation between the different stakeholders is working well;
- There is a fair chance that impact will be sustainable, but that;
- Some changes should be considered for the remaining two years.

The project has three sub-objectives:

- Improved technical capacity and pedagogical knowledge among faculty teachers;
- Improved capacity in management and administration, and;
- Improved students' motivation.

We find that all three are relevant but that there is a difference in how effective the project has been. While our assessment shows that the project has succeeded in improving the technical capacity and pedagogical knowledge among faculty teachers, little has been accomplished when it comes to improving capacity in management and administration.

For the remaining years of the project phase we propose that sub-objective number one is given high priority. For sub-objectives two and three, we recommend that the Government of Laos, the National University and the FLP assume full responsibility, and that the project funds are allocated for other purposes, where efficiency can be expected to be higher.

The direction we would like to see for the coming two years can be summarised in the following set of, partly new, objectives:

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| <p>PROJECT OBJECTIVE</p> <p>Improved quality of graduate students</p> |
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| | |
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| Sub-objective 1 | Improved technical capacity and pedagogical knowledge among faculty teachers |
| Sub-objective 2 | Support initiative to set up clinical legal education and provide legal aid to poor and vulnerable women, men and children. |
| Sub-objective 3 | Support initiative to start master programme at FLP (Under condition of NUOL/MoE funding and support). |
| Cross-cutting sub-objective 4 | Promotion of gender equality, non-discrimination, the rights of the child, transparency and a rights-based approach. |

Some of the risks identified in the report include the expanding number of students at the faculty, the somewhat weak capacity and commitment of the FLP to reform management, the unpredictability of future financial resources, and unforeseen staff changes. Concerning the management of project funds, we think it is too early to hand over responsibility to the FLP.

Our overall impression of the project is good. We find an enthusiasm among staff and students to develop the faculty, improve teaching, increase learning, and thus in the long run contribute to a society where the rights of all citizens may be protected, promoted and realized.

1 Background

Development cooperation between Sweden and Laos dates back to 1974. Present day cooperation is guided by a country strategy covering the five-year period 2004-2008. According to the strategy, the objectives of the cooperation are:

- To strengthen Laos' capacity to reduce poverty on a long term and environmentally sustainable basis, and;
- To promote and strengthen conditions for democracy, rule of law, and respect for human rights.

The Vientiane School of Law was founded in 1986. In 1997 it was transferred from the Ministry of Justice and became the Faculty of Law and Political Science (FLP), one of eleven faculties under the National University of Laos.

In the year 2000, the Swedish International Development Co-operation Agency (Sida) decided to enter into cooperation with the Government of Laos in order to strengthen the legal education at the FLP. At that time the faculty had approx. 35 staff members and less than 900 students. Presently there are some 90 staff members and more than 2,500 students.

Swedish support during the first three years amounted to some MSEK 12. The Department of Law at Umeå University was contracted as a consultant in order to implement the project together with the FLP.

At the end of 2003, Sida decided to enter into a second phase of the project. This five-year cooperation started December 1, 2003 and will come to an end on November 30, 2008. The Swedish contribution amounts to some MSEK 32. Umeå University was contracted as an implementing partner also for this second phase.

2 The Assignment

In the contract between the Government of Sweden and the Government of Laos, it is stated that:

"A Mid-Term Review of the project shall be undertaken at the latest during the second half of 2006. The review shall comment on the implementation, project design and remaining part of the project, and whether any modifications shall be made. It may result in intensification or phase-out of the project or parts of the project, or it may conclude that the original project plans shall remain."¹

The Embassy of Sweden in Vientiane contracted two independent consultants, Ms. Xaynari Chanthala (PricewaterhouseCoopers) and Mr. Pär Sköld (SIPU), to carry out the mid-term assessment of the project. Mr. Sköld was selected to serve as team-leader. Representatives of the FLP and of Umeå University agreed to the choice of consultants.

Terms of Reference

The Terms of Reference for the assessment were written by the Embassy of Sweden in consultation with representatives of the FLP and of Umeå University. According to the ToR, the assessment is expected to:

- "record the development of the project so far,
- assess the results of different project activities so far and to assess the relevance of the different project activities in relation to overall goals of the project
- provide input and advise whether any modifications should be made for the remaining part of the project. It may result in intensification, prolongation or phase out of the project or parts of the project, or it may conclude that the original project plans shall remain.
- give advice on possible areas of priority for the evaluation of the project planned for in 2008 (as envisaged in the specific agreement governing the cooperation)"

The full Terms of Reference are included as Appendix 1 below.

The methodology used is explained in Appendix 2.

¹ Sida (2003a), Article 7.

3 The Legal Education System in Lao PDR

The Draft Legal Sector Master Plan

The Government of Laos is in the process of finalizing a master plan for the "Development of the Rule of Law in Lao PDR towards the Year 2020". The present draft of this Legal Sector Master Plan (LSMP) identifies a number of needs in the area of human resources, among them the following:

- The need to increase the quantity and quality of personnel working in the legal and judicial areas. By 2020 there should be a ratio of no more than 25 students per teacher in basic legal education and no more than 10- 15 trainees per teacher in professional legal/judicial training. Furthermore, all teachers should have at least a Masters degree.
- The need to standardize all legal training institutions (both basic and continuing) that issue the same diploma and degree.
- The need to increase the number of text books and reference books (domestic and international) in Lao language.
- The need to improve teacher working conditions and salaries.
- The need to reform and modernize teaching methods.
- The need to strengthen the management at legal training institutions.

The LSMP clearly confers challenging tasks to the FLP. These tasks are basically in line with the present plans of the FLP and the present design of the Sida-FLP Project. Many requirements in the LSMP coincide with the project's focus on "improved technical capacity and pedagogical knowledge among faculty teachers".

Many of the ambitions in the LSMP, in the area of human resource development, are commendable. However, a certain competition between different ministries and between different institutions in the legal sector can be expected to hinder efficient implementation. Lack of financial resources, lack of administrative capacity and lack of good governance, also pose threats to smooth and efficient implementation. On the macro level, the present political system obviously limits the extent to which rule of law can be established.

The Actual Legal Education System in Lao PDR

The legal education system consists of basic legal education and continuing legal education.

The institutions involved in basic legal education are the following:

- The Faculty of Law and Political Science which presently offers a Bachelor degree but may soon also offer a Masters degree. The FLP belongs to the National University of Laos, sorting under the Ministry of Education. The FLP currently has close to 2,600 students.
- The middle level law schools in Savannakhet, Luang Prabang and Vientiane Capital City. These three middle level law schools are technically under the supervision of the Legal and Judicial Training Institute (LJTI), which is part of the Ministry of Justice. Currently these middle level law schools provide a “diploma of law” and not a Bachelor of law degree. However, it is the plan of the LJTI to upgrade the middle level law schools to a Bachelor degree level. Students from these schools are supposed to graduate with a specialized law degree (eg: specialty in notary, procuracy, judicial, etc.). All together these middle level schools have more than 1,000 students.

Continuing legal education is provided by various legal and judicial institutions such as the Ministry of Justice, the Office of the Public Prosecutor and the Supreme Court. The Ministry of Justice provides legal training through the above mentioned Legal and Judicial Training Institute (LJTI). The LJTI provides short term training courses in specific areas for different categories of staff working in different legal and judicial institutions such as: judges, clerks, notaries, prosecutors, arbitrators and lawyers. However, in practice the LJTI only organizes very few trainings per year (in average 2-3 trainings per year).

There have been discussions within the Government to use the LJTI as the focal point for coordinated training among the various legal and judicial training institutions. However, such ideas have not been implemented so far due to some resistance on the part of some legal and judicial institutions.

In addition to the training organized at the LJTI, the Supreme Court, the Office of the Public Prosecutor, the Ministry of Public Security and the Lao Bar Association also organise their own training based on the need of each of them to solve their human resources problems. The trainings by these organisations are not necessarily coordinated.

Besides the National University which is based in Vientiane, there are two more universities. One in Luang Prabang and another in Champassack. None of them provide a degree in law. Currently private schools/colleges provide Bachelors degree/diploma. None of the private schools provide a law degree although law subjects are taught as part of the bachelor or diploma in business management.

4 Relevance of the Project

Overall Relevance

The objectives of Sweden's development cooperation with Laos during 2004-2008 is:

- To strengthen Laos' capacity to reduce poverty on a long term and environmentally sustainable basis.
- To promote and strengthen conditions for democracy, rule of law, and respect for human rights.²

These objectives are still very relevant due to the great needs and shortcomings in the above mentioned areas. The judicial power is not independent and generally functions very unsatisfactorily. According to the annual human rights report of the Swedish Ministry for Foreign Affairs, fair trials cannot be guaranteed in Laos and corruption within the judicial system is common.³ Furthermore, there is a severe lack of trained staff within the judiciary.

The Government of Laos has expressed a commitment to promote the principle of rule of law and to foster further reforms within the legal sector.⁴ A very recent token of this commitment is the draft Master Plan for Development of the Rule of Law in Lao PDR toward the Year 2020⁵, discussed above. Thus, there is a basis for Swedish-Lao cooperation in this area and even if past cooperation in the legal sector has not always been successful⁶, there is a common willingness to continue.

All research shows that education is crucial for development.⁷ Thus, support to legal education can, if successful, *a priori* have an important impact on rule of law as well as on the more general development in a country. As shown above there are many institutions providing training in the legal sector in Laos. The picture is quite complex and the set-up of institutions and the division of responsibilities is not necessarily the most rational. Nevertheless, it may be

² Ministry for Foreign Affairs, Sweden (2003).

³ Ministry for Foreign Affairs, Sweden (2006).

⁴ See for example the National Growth and Poverty Eradication Strategy – NGPES.

⁵ Ministry of Justice, Laos (2006).

⁶ See for example Öhrlings and PricewaterhouseCoopers (2002).

⁷ See for example www.eldis.org/education/economic_growth.htm. And Globkom (2002), En rättvisare värld utan fattigdom, SOU 2001:96 pp.182ff.

stated that the FLP is the most central and institutionalised of these institutions. If long-term change and long-term development is sought, we find it wise to give high priority to the FLP when support and investments in this sector is allocated. The FLP attracts many teachers and many students and thus has a possibility to make a difference when it comes to improving the standard of the legal sector in Laos in the long run. Furthermore, there is a leadership at the FLP, willing to develop the faculty into a more professional institution. And in doing so, they seem to have the support from the National University and the Ministry of Education.

However, international experience seems to suggest that this kind of support, in order to be effective, should only be provided when certain preconditions exist. In an evaluation⁸ from the Development Assistance Committee (DAC) of the OECD, it is recommended that structural reforms and accessibility to justice, including legal aid systems, are first introduced before educational institutions are strengthened.

Despite these findings, we regard the project as being appropriate. Experience so far points in that direction. Nevertheless, it must be remembered that there is not any direct and automatic link between efficient realisation of the project activities and improved rule of law in Laos. Even if the project would be successful in promoting the professionalism of the FLP, we cannot *a priori* be sure that graduates leaving the institution will actually make much difference for rule of law in Laos. Instead, many may be co-opted by the existing legal system in Laos and adapt to the prevailing, often unprofessional, practices. Thus the step from a professional Faculty of Law and Political Science to access to justice for poor and disadvantaged women, men and children in the provinces is remote.

Relevance of Objective and Sub-objectives

According to the project document the objective of the project is:⁹

Improved quality of graduate students

In order to reach this objective, three sub-objectives are identified, as follows:

- Improved technical capacity and pedagogical knowledge among faculty teachers
- Improved capacity in management and administration
- Improved students motivation

⁸ Evaluation of Programs promoting Participatory Development and Good Governance. DAC, 1996. See Sida (2002a), pp 10f.

⁹ FLP and Umeå University (2003a).

We find that the considerations and assessments made by the stakeholders at the time of writing the project proposal were sound and relevant. If support to a Faculty of Law should contribute to the rule of law in the country in question, "Improved quality of graduate students" is considered as a very relevant and "to-the-point" objective. Naturally, the meaning of "quality" has to be defined, but we assume there is a common understanding between stakeholders that this would include professional skills as well as ethical behaviour.

There is no explicit prioritisation between the sub-objectives. Rather they are seen as integrated and mutually dependent. However, to the extent that the budget allocation for the different sub-objectives during the five- year period indicates prioritisations, highest priority is given to the first of the above mentioned sub-objectives. We regard this as a sound prioritisation.

Even if all three sub-objectives are still relevant, even highly relevant, we do suggest some changes for the remaining two years of the present project phase. (See Chapter 7 below.) These suggested changes are not due to the issue of relevance, but rather to issues of efficiency, sustainability and division of responsibility between the Government of Sweden and the Government of Laos.

Project Justification

In the project document there is a section called Project Justification that reads as follows:

"To create an efficient administration of the law, with broad and active participation in all national and international activities, in order to ensure stable socio-economic conditions in the country, improve constantly the living standards of the Lao multi-ethnic people, create the conditions for the eradication of poverty."

The status of this text and its relation to the project objective is not fully clear. Furthermore, central principles such as rule of law and access to justice are for some reason not mentioned in the project justification.

In order to avoid misunderstandings, there might be a need to clarify the meaning and significance of the project justification during the upcoming mid-term review meeting.

5 Achievements, Effectiveness and Possible Modifications of Project Activities

Improved technical capacity and pedagogical knowledge among faculty teachers

This is the first of the three sub-objectives. This sub-objective is divided into seven different aims, which will be discussed separately below. We will not list all activities carried out under each aim. (For such lists we refer to the annual reports of the FLP and of Umeå University.) For each aim we will shortly present our findings in the areas of achievements and effectiveness, and present possible modifications for the remaining period of the project phase.

Strengthening the exchange with other legal agencies

The exchange between the FLP and other legal agencies has involved both teachers and students. The most common forms have been: study tours for students and staff of the FLP to provincial legal and judicial agencies, field practices for grade 5 students in different legal and judicial agencies within the country, teaching staff and students of the FLP attending various seminars and forums organized by other institutions such as the UNDP legal project at the Ministry of Foreign Affairs, visiting teachers from various legal and judicial agencies teaching at the FLP, some on a regular basis, others on ad hoc basis, students of the FLP attending lectures by foreign speakers from various legal agencies on different topics such as legal education and legal profession.

Plans exist for institutionalising cooperation between the FLP and the Lao Bar Association. A Memorandum of Understanding has been drafted, but not yet signed. Among other things, the cooperation would involve a Legal Aid Program/Legal Clinics, which would focus on providing legal aid to disadvantaged people.

Our interviews show that the exchange between the FLP and other legal agencies is viewed as positive by faculty teachers and students. However, there was some concern among students that they may not get as much field practice as deemed appropriate. Lack of resources for transportation and accommodation and lack of time for planning etc were mentioned as obstacles.

Furthermore, interviewees stated previous field practices were not always well supervised by the legal agencies in which the practices took place.

Due to the limited availability of legal information in the country, and the still limited knowledge and experience of faculty teachers, exchange between the FLP and other legal agencies remain an important activity and should be continued during the remaining part of the project phase.

For the remaining part of the project phase we recommend that high attention is given to the following issues:

- Continue strengthening exchange with other legal agencies. However, the strengthening of inter-action with relevant foreign organisations should be included as an aim. Presently this aim is directed at domestic organisations.
- Strengthen and clarify cooperation with the Lao Bar Association in relation to the Legal Aid Program/Legal Clinics.

Increased number of legal text-books in the library

At the time of writing some 37 books have been written, printed and distributed as part of the project.¹⁰ Most books have been printed in 500 copies. Some copies are spread to other legal institutions in the country, some are provided to the FLP library and remaining copies are sold at subsidized prices to the students. According to project reports, books produced now cover some 90 percent of the present curriculum.

Interviews with students and teachers at the FLP clearly indicate that this activity has been important for the development of the faculty. When asked about changes having taken place at FLP over the years, many spontaneously refer to the production and distribution of books as a positive development. Teachers say they can provide better teaching with the help of books, and students say they are helped by the books in their studies.

Observations at the FLP (on the campus and in the library) show that books are actually spread and read.

Interviews carried out outside the faculty, with representatives of other organisations, reinforce our positive impression of this activity.

For the remaining part of the project phase we recommend that high attention is given to the following issues:

¹⁰ In addition to these 37 books, one English language book (Law Today) has been translated, printed and distributed. See FLP (2006c).

- Quality of books. In terms of quantity, the project has been successful. Unfortunately, we have not been able to verify the quality of the books, but there are reasons to believe that there is room for improvement. The discussion on introducing a more systematic and thorough quality control of book manuscripts is encouraged. We note that the books are mainly based on Lao laws. It would be enriching for the students if the books also included comparative studies of other jurisdictions.
- Gender equality. Among the authors of the books published so far, there is only one woman (who has published three books). We do not find this gender balance acceptable. For the continuation of the project, high priority must be given to additional female authors.
- Transparency. There seem to be unwritten rules about who will be given a chance to write a book and who will not. In order to avoid discrimination of junior staff members, women or any other category, selection criteria and procedures must be transparent.

Improved legal training

This is one of the very central aims of the project. Accordingly it has been given high priority when funds have been allocated. A core component of this aim is offering scholarships to FLP teachers, giving them a chance to complete a master degree in law at a foreign university. At the time of writing the project is supporting six staff members studying at Thammasat University and two studying at Chiang Mai University in Thailand.

Legal training of faculty staff is also provided through more short-term training at relevant institutions in the region, through seminars and work-shops held at the faculty, through study tours, and by inviting external resource persons to give lectures at the faculty.

Interviews with teachers at the FLP clearly indicate that these activities have been important for their professional development. Opportunities offered by the project in this area are much appreciated. It may be noted that the very great majority of all faculty members given a chance to study abroad actually return to the faculty to resume their duties. Thus, the "brain-drain" effects of these activities are very limited.

Interviews with students give mixed impressions. Some state that teachers who have acquired a master degree abroad are more knowledgeable and that some of them also have better pedagogical abilities than other teachers. Others do not see any clear connection between the master degree and the ability as a teacher.

An interview with a professor at Thammasat University supports the impression that Laotian master students sponsored by the project study hard and do develop their professional skills.

For the remaining part of the project phase we recommend that high attention is given to the following issues:

- Gender. In order to avoid discrimination, gender aspects should always be considered when candidates are selected. Gender balance should be strived for.
- PhD studies. If appropriate candidate/s are identified, and if Sida approves of a long-term financial commitment, a scholarship for PhD studies may be included in the project.
- More specialised training. Several teachers interviewed request more specialised and less general training. We would like to highlight the possibility of providing additional training in lawyer's skills/legal aid skills and also specialised training in human rights.

Improved teaching methodology

Together with training in law and language, training in teaching methodology has been identified as one of the core aims of the project. A full time adviser, specialised in teaching methodology, is contracted by the project to provide in-house training to faculty staff and to organise external training activities.

Measuring development in this area with precision is impossible. However, interviews and observation at the faculty have given us an impression of achievements. Most teachers interviewed state that they have been informed of and/or exposed to alternative pedagogical methods through the project, and that they at least to some extent have acquired and used their new skills in practice. Our non-verified impression is that younger teachers are more motivated and more easily acquire new skills and adopt new teaching methods.

As noted above, there is a tendency that teachers who have been studying abroad - thereby possibly having been exposed to other pedagogical methods - have developed their pedagogical skills.

Even if certain progress can be seen in this area, and this is also supported in an appraisal by Umeå University¹¹, it should be noted that changing behaviour is a difficult and long-term process. Some teachers are receptive to new ideas, others not.

Furthermore, it is important to note that there are important obstacles hindering progress in this field. The great, and increasing, number of students at the faculty set a limit to what can be expected. A large and crowded class room is far from an ideal condition for introducing good and new pedagogical techniques. Lack of adequate equipment is also an obstacle.

¹¹ Umeå University (2006b).

For the remaining part of the project phase we recommend that:

- Efforts to reach out to more teachers at the faculty are continued.
- Teachers' efforts to develop their pedagogical skills are appreciated and rewarded.
- Selection of candidates for external training and study tours are transparent and gender balanced.
- The aim "Improve class room facilities and teaching equipment", presently sorting under sub-objective "Improved student motivation" is moved to "Improved teaching methodology".

Improved language knowledge

As stated above, much attention has been given to improving the English skills and the English teaching skills of FLP staff. A full time adviser, specialised in English teacher's training, has been serving for much of the phase providing and facilitating training of English teachers. Presently a new, part time adviser is recruited.

In addition to in-house training, staff members are provided training on evening courses in Vientiane, and on short-term and long-term language training abroad. Depending on the needs, some receive more basic training, while others receive more specialised training in legal English.

Plenty of English language tests are carried out at different times for different purposes. But unfortunately, there is no available data giving possibilities to measure change in English language skills over time. Our assessment of the achievements of this activity has to be based on interviews and observation.

Interviews with teachers at the FLP clearly indicate that these activities have been important for their professional development. Opportunities offered by the project in this area are much appreciated, especially by the English teachers at the faculty. Observation of English teachers during class show that equipment provided in order to improve teaching is taken advantage of.

We conclude that English language skills are important in order to reach the objective of the project and that the project has contributed significantly to improving the English teachers' possibilities of teaching English. However, as discussed in the section on pedagogical development above, there are important obstacles hindering progress also in this field. The great, and increasing, number of students at the faculty set a limit to what can be expected. A large and crowded class room is far from ideal when teaching languages.

Talking to students quickly reveals the severe lack of English speaking skills. Many students have only two hours of English per week, and if held under

unfavourable conditions it is easy to understand that the effect of those hours is limited.

Lack of time is an obstacle for this and many other of the project activities. Even if training of different kind is offered, and the FLP staff is willing to participate, teaching schedules and other engagements may hinder staff members from taking advantage of what the project offers.

For the remaining part of the project phase we recommend that high attention is given to the following issues:

- Transparency. The criteria and procedure for selecting staff members who will benefit from the training should be made more transparent.
- Legal English. As English skills at the faculty develop, higher priority should be given to the provision of specialised training in Legal English.
- Focus resources? The FLP may consider if more hours of English can be offered to students or if English teaching resources can and should be focussed on students who voluntarily choose to study English.

Improved computer skills for teachers and administrative staff

A computer center was set up during the first phase of the project. All computers are connected through a private internet connection. Computers have also been procured for a number of teachers' and management offices at the FLP.

No thorough study of the staff's computer skills was undertaken as a part of this assignment. Our assessment is based on interviews and observation. These indicate that there is a growing demand for, and use of, computers. Teachers and students appreciate the increased number of computers. However, there are complaints about the unpredictable opening hours of the computer center and of the inaccessibility of computers from time to time. This latter problem is likely due to the great number of students at the FLP campus, in combination with temporary break-downs of individual computers. Nevertheless, we believe that this part of the project significantly has contributed to improving computer skills of many FLP staff members. And of FLP students. In the long run, these increased skills are believed to contribute to the fulfilment of the project's main objective.

Increased research at the FLP

Much of the activities aimed at increasing research have been directed towards the library and the library staff. One of the librarians has started master degree studies in Library Science at Chiang Mai University.

Interviews with teachers and students show that the development of the library is significant and very much appreciated.

The capacity among FLP staff members to carry out research is limited, but there definitely is an interest and some projects have been started. Judging by the topics chosen, there seems to be a clear social awareness among staff members involved.

These first steps towards initiating research are supported by experienced researchers from Umeå University, making periodic visits to the faculty.

For the remaining part of the project phase we recommend that high attention is given to the following issues:

- Regional links. Support from researchers at Umeå University is helpful, but priority should be given to establishing and strengthening links with relevant researchers and research institutions in Southeast Asia.
- PhD studies. As mentioned above, support to PhD studies may be considered.
- SAREC? Presently, Swedish support to research within the NUoL is provided in an uncoordinated fashion. This is not an ideal arrangement. The FLP, or Sida, may want to take another look at the possible advantages of some sort of coordination.¹²
- Consultancy assignments? It is a policy question whether the FLP should accept consultancy assignments or not. If there is a demand for such services, we do see several advantages. Additional linkages with external actors would be fostered and valuable experience could be gained by the FLP and the researchers involved. Furthermore, consultancy assignments could bring in financial resources to the FLP and the researchers.

Improved capacity in management and administration

This is the second of the three sub-objectives. This sub-objective is divided into three different aims, which will be discussed separately below. We will not list all activities carried out under each aim. (For such lists we refer to the annual reports of the FLP and of Umeå University.) For each aim we will shortly present our findings in the areas of achievements and effectiveness, and present possible modifications for the remaining period of the project phase.

¹² Research cooperation between Laos/NUoL and Sweden/Sida/SAREC was established in 2003 and involves several faculties at the NUoL, the FLP excluded. One of the collaborating institutions in Sweden is Umeå University.

Improved management

The project has assisted the FLP to organise various workshops on management and human resource development. One of the workshops identified the following as issues which need to be addressed in order to improve the management at the FLP:¹³

- The FLP is a small institution with too many different organisational levels, vertically as well as horizontally. This does not encourage creativity and responsibility and, furthermore, it requires substantial resources for coordination of different activities. For example when coordinating teachers schedules.
- Planning is difficult because there are many factors that one cannot foresee or influence.
- Because of an unclear division of work and responsibility, staff members feel uncertain about to whom they should turn regarding different issues.

The workshop gave the following recommendations:

- Strengthen the policy functions of the organisation through the delegation of decision making in questions related to day to day operations.
- Reduce the number of levels, vertically as well as horizontally.
- Focus on project work.
- Delegation of responsibilities.
- Strengthen projection and planning capacities.
- Ensure transparency and access to information.

In our interview with the staff members we found that management issues were not considered to be a major issue by the FLP. Undoubtedly, no major steps have been taken to implement the recommendations of the workshop and to improve the situation within the FLP. We believe that management is crucial for the development of an academic institution. However, we believe that a decision to change must come from within the FLP.

For the remaining part of the project phase we recommend that the project focuses on supporting initiatives to promote transparency in the management.

Improved financial administration

Currently the finance unit of the FLP has four staff as follows:

- 1 staff responsible for financial planning.
- 1 accountant.

¹³ Umeå University (2005).

- 1 staff responsible for cash payment.
- 1 staff responsible for cash receipt.

One workshop on financial management has been organised for the staff.¹⁴

The FLP currently maintains 79% of the fees collected from evening classes and remits 21% of such fees to the National University. The amount corresponding to the 79% of the evening fees are used to meet the overhead costs of the FLP.

We understand that new computers have been ordered by the FLP so that the accounting software used by the National University can be installed and accounting procedures computerised. However, such computerisation has not yet taken place and accounting procedures are performed manually.

Taking into consideration the current management and finance capacity of the FLP, it is our view that the FLP is not yet ready to take over the full responsibility for the financial management of the project and that Umeå University should continue to manage the fund until the end of this phase of the project.

If a third phase of the project is envisaged by Sida, an assessment of the financial capacity of the FLP must be undertaken before any decision on a possible transfer of financial responsibility. Such an assessment must be made of the staff's capacity and of the appropriateness of the equipment and accounting software used.

For the remaining part of the project phase we recommend that the project focuses on supporting initiatives to promote transparency in the financial management.

Improved gender awareness

There is certain gender discrimination in the Lao society¹⁵, and this is naturally manifested also at the FLP. The faculty is a male dominated environment. Some 60 percent of the staff is male. Most top positions are held by men. The Dean and all Vice-Deans are men. Of the close to 2,600 students less than 30 percent are female.¹⁶

Most advisors connected to the project, including the CTAs, have been men. A woman is now being recruited for the position as English Language Teacher Trainer.

¹⁴ In October 2004. See Umeå University (2004-2006).

¹⁵ See for example Ministry for Foreign Affairs, Sweden (2006).

¹⁶ FLP (2006a).

A project initiative, which is commended, is the gender assessment carried out by the Gender Resource Information and Development Center (GRID), in early 2005. Data on the gender situation at the faculty was collected and analysed. A few of the conclusions are the following:

- "FLP has a policy to promote gender equality, but a strategic and gender action plans to achieve gender equality are not available.
- There is a lack of gender mainstreaming skills in FLP...
- Women get paid less than men. Men have more opportunities to earn additional incomes.
- There is a very small number of ethnic female staff and students.
- More male than female staffs have opportunities to upgrade their knowledge and skills."

A gender group has been formed at the faculty, consisting of seven persons and headed by one of the Vice-Deans. The group has initiated many training activities, work-shops and study visits, some of which have been realised.

Our analysis of FLP and project reports, our interviews and observations, give ground for stating that a positive development is taking place at the faculty, although slowly. Gender is an issue which is more often taken into consideration today than a few years ago.

However, progress is slow, serious problems persist, and we are convinced that more would have been possible to achieve through the project. The project document, the work plans and the annual and semi-annual reports could have highlighted gender issues more seriously, actively and enthusiastically.

The project document mentions the issue of ethnicity under this aim. It says:

"Under gender perspective, ethnicity ought to be in focus as there are more than 50 different ethnic groups in the country..."

However, few (if any) initiatives and activities have been taken/carried out with reference to this issue.

For the remaining part of the project phase we recommend that high attention is given to the following issues:

- Reinforced activities and pro-active initiatives. Recommendations presented in the GRID assessment should be followed up.
- Action should be monitored, analysed and reported on in the annual and semi-annual reports. Gender indicators should be developed and better taken advantage of.
- Management structures and procedures should be analysed from a gender perspective, publicly discussed and reformed when necessary.
- The FLP gender group should give priority to reaching out at the faculty.
- The curriculum and text book manuscripts should be scrutinised from a gender perspective.

- Pro-active management initiatives should be taken to promote gender balance in number of students, number of teaching staff, and on management positions.
- Special attention should be given by the FLP and the NUoL to upgrading living conditions for female students living in the dormitories.
- Discrimination on ethnic grounds should be exposed and counteracted, but not necessarily as part of the aim Gender Awareness.

Improved students motivation

This is the third of the three sub-objectives. This sub-objective is divided into two different aims, which will be discussed separately below. We will not list all activities carried out under each aim. (For such lists we refer to the annual reports of the FLP and of Umeå University.) For each aim we will shortly present our findings in the areas of achievements and effectiveness, and present possible modifications for the remaining period of the project phase.

Improve students' living conditions

An increasing number of students live in the faculty dormitories, where conditions are harsh. Some students told us there are not even enough beds, but that students have to share. Conditions for studying and cooking are bad. Privacy does not exist. Safety in the event of fire could be a problem.

Some repairs and upgrading have been done, partly financed through the project. However, more must be done in this area and responsibility must be assumed by the MoE, the NUoL and the FLP.

The FLP may also consider possibilities to provide information on HIV/Aids to the students.

Improve class-room facilities and teaching equipment

This aim may be seen as the technical component of the aim to improve teaching methodology, discussed above. No doubt, this technical component serves to reinforce other activities and developments.

The project has contributed significantly to improve conditions for better teaching and better learning at the faculty. Interviews with teachers and students, as well as observations, support this conclusion.

Further activities in this area are most likely called for also in the remaining years of the project. This aim may very well be seen as a part of the aim to improve teaching methodology.

Human Rights/Rights-Based Approach

The promotion of human rights is one of Sweden's main objectives in its development cooperation with Laos. All cooperation is expected to contribute to the strengthening and protection of human rights. Concerning the present project, expectations are high. As seen in the quotation below, taken from the Sida assessment memorandum in which support to the FLP project was recommended, human rights is seen as a core value and activity:

"To foster awareness of international human rights standards in legal education is of great importance. Hence, the efforts undertaken by the project to include specific training in this field as well as the efforts to integrate human rights in all topics taught at the FLP through a rights-based approach is one of the cores of the project."¹⁷

The link between human rights and education consists of much more than just including human rights in the curriculum. We may differentiate between right TO education, rights IN education and rights THROUGH education.¹⁸

The right to education refer to the right of every individual to get, and the obligation of every state to provide, education. This right should be provided equally and no one should be denied the right as a result of discrimination.

At the FLP, women, disabled citizens and representatives of ethnic minority groups are underrepresented. There are many reasons for this and structural discrimination is one of them. FLP initiatives alone cannot change society, but FLP no doubt has a responsibility to counteract any form of structural discrimination.

The rights in education refer to how rights are taught but also to how rights are respected in the educational institutions. Are the students' and the teachers' right to information, expression, organisation and participation respected?

At present, the rights of students and teachers are severely restricted at the FLP. The party in power, through its control of the state institutions, restricts the free flow of information and the freedom of expression. Neither students, nor teachers, are permitted to exercise their rights to freely organise in independent organisations. Independent teachers unions are not allowed. We realise that the FLP cannot change these facts, but we do hope that the FLP, as an academic institution, provides a space for discussions about central issues such as these.

The rights through education refer to the benefits for society of citizens who have learnt about and exercised their rights, and developed into active, critical and socially responsible citizens.

¹⁷ Sida (2003b).

¹⁸ Sida (2002?b).

It is too early to tell to which extent the FLP, with the help of the project, may contribute to rights through education. This, however, can be seen as equivalent to the overall objective of the project.

Our analysis of the project documents, work plans and reports, and our interviews within and outside the FLP campus, indicate that human rights have been given some attention through the project. Furthermore, human rights are a bit easier to discuss now than a few years back. However, human rights and a rights-based approach are far from being "one of the cores of the project".

Some five grade students remember that human rights have been brought up as part of the education in grade four. Others cannot recall any such lessons. Some remember that they learnt about international conventions, while others, who attended the same classes, cannot recall what was taught. The following goal, as described in the project document, is still distant:

"Upon graduation, students shall have a good understanding about the general principles of the conventions, and be able to reflect on how the obligations entered into should be reflected in the domestic judiciary."

What has been mentioned in the preceding sections about transparency, gender equality, discrimination based on disability and ethnic group, etc, shall not be repeated here. A few additional issues and activities that we recommend are given high attention during the remaining part of the project phase are the following:

- Human rights group. Encourage the forming of a FLP human rights group, equivalent to the gender group.
- Financial support. Funds should be allocated to support research, studies, training, field trips, publications, etc related to human rights.
- Strengthen regional links. Develop and strengthen cooperation with organisations and institutions in the region, active in the field of human rights. The Office of Human Rights Studies and Social Development at Mahidol University ought to be one of these.
- Scholarships. The faculty should consider providing short- and long-term scholarships for specialised human rights training in the region. Courses offered by Mahidol University is one alternative.
- Guest professors and lecturers. Invite regional HR lawyers and human rights NGOs to the faculty. Strengthen cooperation with the Ministry for Foreign Affairs and take advantage of knowledgeable consultants and advisers living in or visiting Vientiane.
- HR screening of curriculum and text books.
- Follow-up. Action should be monitored, analysed and reported on in the annual and semi-annual reports. Human rights indicators should be developed and better taken advantage of.
- Non-acceptance of discrimination. FLP management must act resolutely to expose and counteract any discrimination on the basis of gender, ethnic belonging, disability or other factors.

Curriculum Development

Among activities in this area, the project has sent faculty representatives to Thailand, Malaysia and Vietnam in order to exchange experiences on curriculum development and has also funded workshops on curriculum development and examination.

Currently the FLP is taking steps to develop the following:

- A curriculum for the Masters Degree Program expected to be introduced during the 2007-2008 school year.
- A curriculum for the new Department of Business Law which is expected to be established during school year 2007-2008.
- A bridging curriculum for students who have graduated from the middle level law schools and for students from other schools who wish to pursue their studies at the FLP.

Knowing that the FLP is currently preparing for the development of the curricula described above and taking into consideration that:

- The new student centred approach which is being introduced at the FLP requires more teaching-learning time and would require adjustment to be made in the existing curriculum;
- The new teaching methods such as discussions, seminars, workshops, group work, mock trials and more specialised studies such as lawyers skills, legal aid skills is now not reflected in the credit system;
- The FLP plans to make a major adjustment to the existing curriculum in the year 2007;

We recommend that during the coming years, the project should increase assistance for curriculum development. As further discussed below, the setting up of a Masters program may result in an increased demand for such assistance.

6 Sustainability and Risks

Cooperation between the FLP, Umeå University and Sida started in 2000 and the present project phase ends in November 2008. If there is no prolongation of the project, what will remain after a few years?

Our assessment shows that progress made and processes started have a fair chance of being sustainable. But there are also some internal and external risks that may limit sustainability.

Ownership

A central precondition for sustainability is ownership. Interviews carried out within and outside the FLP indicate that there is a broad support for the project, the objective of the project and the methods used to reach the objective. We have not met anyone who actively disapproves of the project or its main approach to development. Thus, we conclude that there is a willingness among people with a possibility to influence decisions, to continue fostering the processes that today are being facilitated through the project. The management of the FLP shows an interest in strengthening the professionalism of the faculty, and the project is regarded as an important part of this process. The teachers, who are central in this development, seem to appreciate the contribution of the project and seem engaged in promoting a continued development in the same direction.

This broad support for the overall objective and direction of the project is crucial, but the strength of the support differs somewhat between the different sub-objectives and activities. To generalise, we assess that the most important decision makers give the highest support to sub-objective one (Improved technical capacity and pedagogical knowledge among faculty teachers). Sub-objective two (Improved capacity in management and administration) and sub-objective three (Improved students motivation) are given somewhat lower priority.

To continue the generalisation, we also have the impression that Sida gives somewhat higher priority to issues of human rights and gender awareness, than do FLP and Umeå University. Furthermore, there is a tendency that FLP management gives slightly higher priority to procurement of technical equipment than does Umeå University.

Even if most objectives and priorities are shared, there are clear limits to the extent that the FLP has been given possibilities to assume responsibility. The project can still be regarded as a "separate animal" rather than an integral part of ordinary FLP plans and activities. The presence of a separate and foreign dominated project office on the campus is a sign of this. The most obvious, and possibly most serious, sign of the project-FLP separation, however, regards the financial responsibility - the power over project funds.

Since the start of the project, project funds have in practice been managed by the Swedish CTA. For the purpose of assuring that financial management is handled in accordance with international standards, we believe that this is a wise arrangement. However, for the purpose of strengthening ownership, integrating the project into ordinary FLP activities, and fostering conditions for sustainability, this is not a very favourable arrangement. Despite this, we do not, as explained elsewhere in this report, recommend any immediate changes of the financial arrangement.

The fact that Umeå University – the consultant - manages the funds also has negative effects on the dialogue between the FLP and Sida. As Umeå University to some extent functions as a strong intermediate between the FLP and Sida, this naturally gives the consultant a somewhat dominant position also in the dialogue between “the project” and Sida. Below, we discuss the possibility of harmonising the planning and reporting processes of the project and of regular FLP activities. This will hopefully contribute to a more active role of the FLP in developing work plans and participating in an active dialogue with Sida.

Resources

An important aspect to consider when prospects for sustainability are assessed, are the financial and human resources available. The financial resources of the FLP have developed in a positive direction over the last few years, giving the faculty a chance to allocate funds for purposes other than teachers' salaries. The bulk of these resources come from the fees paid by the evening class students. Interviews with decision makers outside the FLP, and the content of the draft master plan, give grounds for believing that there are no immediate financial threats to the activities of the FLP. Rather, we assess that the FLP will have financial possibilities to maintain goods that have been procured through the project and also maintain some processes of increasing professionalism.

Naturally, maintenance of goods and processes will not be as smooth and easy without project support. Still, we assess development would not come to an end with the end of the project, but that development would continue, although at a slower pace. As hinted above, we believe odds for future development are better for processes covered by sub-objective one, than for processes covered by sub-objectives two and three.

We assess that with the financial resources available, and foreseen, the faculty will manage maintenance of computers, cars, and certain teaching equipment and class room facilities. Maintenance of the private internet connection may pose a challenge. Expenses today covered by the project in fields like scholarships, training at external institutions, field trips abroad, and text book production may naturally be very difficult or impossible to cover by FLP resources alone.

Number of Students

In the year 2000, when the project was initiated, the FLP had less than 900 students. Today there are close to 2,600 students. A 190 percent increase. There are of course many reasons to applaud this development. Many more students are now given legal training in a country where the lack of legal experts is a severe problem. The expansion may also be seen as a sign of the popularity of the FLP. The faculty has a good reputation and is seen as an attractive place to study.

An important aspect of the expansion is the increased income it brings to the faculty. Of the present students at the faculty some 75 percent are evening class students. It is this group of students that has been expanding and is expected to continue expanding. All evening students pay a tuition fee and this income is divided between the FLP and the NUoL. This additional income is a very strong incentive for the FLP to admit a great number of students. Furthermore, there is a strong pressure from the Government on the universities and the faculties to provide a growing number of young people, without employment, a place where to study.

This growing income possibility for the FLP also contributes the possibilities of staff members to get some extra income. The regular salary for the teachers at the faculty is very low, and any increase is positive. Our interviews confirm that this chance to earn some extra money by teaching evening students is very appreciated by teachers.

Unfortunately, these very positive effects of the great and growing number of evening students are not the only effects. Among the negative effects we see that many teachers have too many hours of teaching, that classes are too big for effective and pedagogically sound teaching, and that pressure on facilities like class rooms, library and computer center is high. Furthermore, as some evening students live in the dormitories, living conditions have deteriorated.

As working hours (i.e. teaching hours) for teachers have increased, teachers have got less time for preparing classes, studying, doing research, attending seminars and workshops, arranging and participating in field trips, resting and

having a private life. This naturally affects their possibilities to develop as professionals and take advantage of possibilities offered by the project.

Thus, we see the great number of students as a risk for the development of the FLP and for the professionalism of the teachers. We recommend that the FLP strives to limit the number of evening students at the faculty. Furthermore, we recommend that a limit is set on the number of hours teachers may teach per week. To cover the number of teaching hours, the FLP should seek to invite an additional number of guest teachers from outside the FLP.

Personell and Organisational Changes

In any type of project there is always a risk that changes of staff can affect the effectiveness of the project or its potential for sustainability. The present set-up of people involved in running the FLP and handling the project seem to be a good basis for further development. Unforeseen changes may happen fast, but as far as we know, there are no immediate risks for changes that can endanger the project or the FLP development.

As noted above, the very great majority of teachers sent abroad for studies do come back to the FLP. As long as the faculty can provide decent working conditions, and the possibilities for professional development and some extra income, there are no major risks for an exodus of qualified staff.

However, as discussed above, the practical effects for the FLP of the Master Plan for Development of the Rule of Law in Lao PDR cannot be fully foreseen.

7 Possible Modifications of the Project

Present Objective and Sub-objectives

The objective of the project is "Improved quality of graduate students". We see no need for modifying this.

Sub-objective number one reads: "Improved technical capacity and pedagogical knowledge among faculty teachers". As has been discussed above, this sub-objective is highly relevant. The experiences so far are positive. The stakeholders have shown a willingness to work towards this goal, there is an ownership among FLP management and staff, and there are good possibilities for continued progress in this area. Umeå University has shown a capacity to contribute positively towards this goal, and definitely adds expertise that is welcomed at the faculty.

We see no reason for changing the way this sub-objective is formulated or the priority it is given in the project.

Sub-objective number two reads: "Improved capacity in management and administration". As has been discussed above, this sub-objective is highly relevant. However, the experiences so far concerning the extent to which the project has contributed to improved management and administration are not as positive. Project activities in this area seem less effective than in sub-objective one. One explanation is that the ownership and the commitment within FLP management seem somewhat weak.

We do not see any good reasons to believe that continued project activities in this area will be more effective than they have been so far. Thus, despite the high relevance we question if project activities in this area should be continued. We believe that improved management and administration is the responsibility of the FLP and the NUoL and that an improved ownership and willingness must be shown before further project activities are considered. A great deal of problem analysis, drafting of recommendations and training has been carried out within the project so far. We think it's time for the project to take a step back and await initiatives and action from within.

One aspect that we believe should be given increased attention by FLP management is transparency. As proposed below, we suggest the project

should be willing to release funds to support changes aimed at increasing transparency at the FLP.

Sub-objective number three reads: "Improved students motivation". As has been discussed above, this sub-objective is highly relevant. However, even if an improvement of students' living conditions is relevant we do think this is a responsibility that should be fully assumed by the FLP, the NUoL and the MoE. Available funds must be allocated in a way that does not disregard the living conditions of students. Improved transparency and participation of students in faculty affairs may contribute to this. An active Sida dialogue may also contribute.

Part of sub-objective three deals with class-room facilities and teaching equipment. We believe that the project may still play a role in this regard, and recommend that these activities are included in, or connected to, the aim called "Improved teaching methodology", which is part of sub-objective one.

Future Objective and Sub-objectives

In order to illustrate some changes that we think ought to be made for the coming two years of the present project phase, the following set of objectives is presented:

| | |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| PROJECT OBJECTIVE | |
| Improved quality of graduate students | |
| Sub-objective 1 | Improved technical capacity and pedagogical knowledge among faculty teachers |
| Sub-objective 2 | Support initiative to set up clinical legal education and provide legal aid to poor and vulnerable women, men and children. |
| Sub-objective 3 | Support initiative to start master programme at FLP (Under condition of NUOL/MoE funding and support). |
| Cross-cutting sub-objective 4 | Promotion of gender equality, non-discrimination, the rights of the child, transparency and a rights-based approach. |

As noted, the main objective and sub-objective number one are the same as today. No changes are suggested in addition to those presented under each aim in chapter 5 above.

The present sub-objectives two and three are replaced by two new sub-objectives. Lastly, a new cross-cutting sub-objective (number four) is introduced.

The new sub-objective two. The FLP is presently planning the setting up of a clinical legal education through which legal aid will be provided free of cost to people in need. To a very limited extent, such legal aid is today provided by members of the Lao Bar Association. However, the need is enormous and any contribution that may be made by the faculty should be encouraged.

There are yet no firm plans for this activity, but we note a clear willingness among FLP management and teachers. A central idea is to establish a co-operation between the FLP and the Lao Bar Association. This is a sound arrangement. A general Memorandum of Understanding between these two parties has been developed, but is not yet signed.¹⁹

Students at the faculty are in need of more exposure to real legal challenges and more insights into real work in the legal sector. Clinical legal education offers a possibility to increase such exposure and insights. However, students lack enough skills to manage legal aid in a responsible way, even when supported by junior teachers. Thus, cooperation with the LBA is essential.

This activity needs to start on a limited scale. Hopefully it can develop and expand and be combined with field practice in order to spread activities also to the provinces.

We believe that the project can and should contribute to the realisation of this idea. One important task would be to continue fostering the exchanges of experiences with legal aid organisations in neighbouring countries. Support should be coordinated with the UNDP, which is co-operating with the LBA.

The new sub-objective three. There are firm plans to start a master degree programme in law at the FLP in the fall of 2007. Some 20-30 students are expected to start the programme the first year. A so called Mixed Committee is presently studying options for the curriculum. The Committee consists of representatives from the MoJ, the MoE, NUoL, the FLP plus colleagues from Hanoi.

As far as we are aware, Sida has not been approached by the Lao Government about the plan to set up a master course at the FLP. Despite this (or maybe because of this) we want to highlight the issue in this report. In case Sida would be approached there should be an opening in the project to allow the

¹⁹ FLP and LBA (2006).

consideration of such support. We regard Umeå University to be an appropriate consultant if the need would arise. As there is no request, and as any initiative must come from the FLP or the Government of Laos, we will not discuss the possible content of potential support.

The new cross-cutting sub-objective four. Important objectives of the project are of cross-cutting character. For example, the promotion of gender equality, non-discrimination, the rights of the child, transparency and a rights-based approach. These crucial values and rights should naturally be reflected in all of the project activities. But there is also a need to highlight their importance in the form of a sub-objective, and to allocate specific funds. Several ideas on issues that should be given more attention in the coming years have been mentioned in chapter 5. See the sections on gender awareness and human rights/rights based approach for examples.

Funds to increase transparency may very well be used to facilitate changes in management procedures, when such initiatives are taken. Much may be done, however, without any specific funding.

We believe transparency can be of great importance when ways are sought for mainstreaming the above mentioned values and rights. If policies, plans, decisions and decision making procedures are clear and accessible, more stakeholders will have a chance to get informed, discuss the issues, and present critique and ideas. The gender group could very well assume as one of its responsibilities to screen plans and suggestions from a gender perspective, before decisions are taken. A possible human rights group could assume a similar responsibility for (other) human rights issues.

Follow-up is important in order to improve mainstreaming. How did decisions taken by the faculty affect women, minority groups, disabled etc? Management could very well introduce a mechanism for re-considering decisions if voices are raised that decisions had discriminatory effects.

8 Planning, Monitoring and Reporting

Present Practices

This specific cooperation between the Government of Laos/FLP, the Department of Law at Umeå University and the Government of Sweden/Sida is regulated in two separate agreements. One between the two Governments, and one between Sida and the Department of Law at Umeå University.

Article 7 in the former agreement regulates the planning, review, reporting and evaluation. Concerning the narrative planning and reporting (which is of most relevance for this assessment), the Lao partner shall present annual work plans, semi-annual progress reports and annual progress reports. Specific reporting instructions are given in a separate document.²⁰

In practice, the work plans are written jointly by FLP Management and the Chief Technical Advisor (CTA) of the project. The narrative reports on the other hand, are written by the FLP Management. Our conclusions concerning these plans and reports are as follows:

- The work plans give a good overview of the activities to be undertaken during the coming period;
- The work plans include a number of indicators meant to facilitate and systematize follow-up of activities. These indicators should be developed further in order to improve conditions for systematic follow-up and reporting on achievements.
- The annual reports give an overview of activities undertaken and of some of the difficulties encountered. However, the indicators from the work plan are not taken advantage of in the reports. Thus, follow-up of achievements and impact is not done properly. In the Sida instructions it is stated that the narrative reports should include an "analysis of the quality of the implementation and impact of the project". Furthermore, it should include a discussion of "possible external and internal risks". In

²⁰ Sida (no year), Sida's Guidelines for Planning, Reporting and Audit.

these areas, there is room for improvement. We also believe that the reporting should include references to the overall objective of the project.

The contract between Sida and Umeå University regulates the provision of long-term consulting services. The consultant (Umeå University) is required to submit periodic reports every six months and a final report at the end of the project phase. These reports are written by the CTA and submitted to Sida without prior approval from the FLP. Our conclusions concerning these reports are as follows:

- They give a good overview of activities, progress and problems.
- The indicators from the workplan are not fully taken advantage of in the reports. The discussion and analysis of the impact of the project should be developed, and reference should be made to the objective of the project.

Harmonization of Planning and Reporting

The ordinary activity year of the FLP starts in September while the activity year of the project starts in December. We see this as an obstacle to the integration of the project activities into the ordinary activities of the FLP. We believe such an integration to be beneficial - but not a precondition - for the sustainability of the project activities.

We recommend that the planning of the project, and the activity year of the project, is adapted to the ordinary planning cycle of the FLP. Furthermore, we recommend that the planning of the project, to the extent possible, is integrated into the regular annual planning of the FLP. The specific budget for the project may very well be an annex to the annual plan.

Accordingly, reporting periods should be harmonized. Ideally, the FLP annual report of the project should form an integral part of the FLP regular annual reporting to the NUoL. The reports would have to be written in two languages, but we believe this difficulty is possible to overcome.

It is somewhat odd that the FLP and Umeå University submit parallel reports to Sida. However, we see advantages with this system, and as long as there is a contract by which Umeå University is expected to provide long-term consulting services, we believe that the consultant should be expected to submit regular reports on the fulfilment of the task.

9 Evaluation 2008

According to the agreement between the Government of Laos and the Government of Sweden, an evaluation of the project shall be undertaken during 2008. It is not specified however whether it should be an interim evaluation or an end-of-project evaluation.²¹ We believe this is still too early to decide. The decision will have to depend on issues such as the outcome of the mid-term review of the project, the outcome of the mid-term review of the country strategy, possible new instructions from the new Swedish Government, the continued development of the project, the development of the Master Plan for Development of the Rule of Law in Lao PDR, and other developments of relevance for the legal sector in Laos.

Six months from now there should be a clearer picture of what may be the future of the project. If discussions and policy decisions point towards a continued cooperation between Sida and the FLP, an interim evaluation would be the obvious choice. If, on the other hand, cooperation is expected to be discontinued, an end-of-project evaluation is more appropriate.

An interim evaluation ought to be carried out well in advance of the termination of the project. This in order to secure that the findings may be feeded into the process of preparing a possible third phase. This would mean that the evaluation should be carried out before the end of the first half of 2008. An end-of-project evaluation should be carried out during the second half of 2008. Or, in case the two Governments agree on a minor change in the existing agreement, it could be turned into an ex-post evaluation, to be carried out during 2009.

Depending on which model is chosen, the focus of the evaluation would differ. An end-of-project (or ex-post evaluation) would be mainly or exclusively backward looking, while an interim evaluation would have an important purpose of looking forward as well. In any type of evaluation the following criteria should be considered: relevance, effectiveness, efficiency, impact and sustainability.

We would favour that independent consultants are contracted for the evaluation.²² However, this does not mean that the external evaluation cannot be complemented by internal or participatory evaluations or assessments.

²¹ For a discussion of different kinds of evaluations and their purposes, see Sida (2004b).

²² Or that the evaluation is carried out for example by the Swedish Agency for Development Evaluation – SADEV. (See www.sadev.se)

10 Conclusions

No one in Laos can be sure that their rights are protected. The legal system in Laos is very far from any acceptable standard. Where any judicial power exists, it generally operates very unsatisfactorily. Fair trials cannot be guaranteed, corruption is common, and very few can find and afford legal aid of any kind.

The cooperation between the Faculty of Law and Political Science at the National University of Laos, the Department of Law at Umeå University, and the Swedish International Development Cooperation Agency, was started in 2000. The objective is to "Improve the quality of graduate students". If successful, it is hoped that this in the long run will contribute to the rule of law in Laos - a precondition for the eradication of poverty and the respect for human rights.

In our assessment of the project we have found that:

- The project is relevant;
- Most of the project activities are effective;
- Cooperation between the different stakeholders is working well;
- There is a fair chance that impact will be sustainable, but that;
- Some changes should be considered for the remaining two years of the present project phase.

The project has three sub-objectives:

- Improved technical capacity and pedagogical knowledge among faculty teachers;
- Improved capacity in management and administration, and;
- Improved students' motivation.

We find that all three are relevant but that there is a difference in how effective the project has been, especially comparing the two first sub-objectives. While our assessment shows that the project has succeeded in improving the technical capacity and pedagogical knowledge among faculty teachers, little has been accomplished when it comes to improving capacity in management and administration.

For the remaining years of the project phase (i.e. until November 2008) we propose that sub-objective number one is given high priority. For sub-objectives two and three, we recommend that the Government of Laos, the National University and the FLP assume full responsibility, and that the project funds are

allocated for other purposes, where efficiency can be expected to be higher. The direction we would like to see for the coming two years can be summarised in the following set of, partly new, objectives:

| |
|-------------------------------------------------------------------------------------|
| <p>PROJECT OBJECTIVE</p> <p>Improved quality of graduate students</p> |
|-------------------------------------------------------------------------------------|

| | |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Sub-objective 1 | Improved technical capacity and pedagogical knowledge among faculty teachers |
| Sub-objective 2 | Support initiative to set up clinical legal education and provide legal aid to poor and vulnerable women, men and children. |
| Sub-objective 3 | Support initiative to start master programme at FLP (Under condition of NUOL/MoE funding and support). |
| Cross-cutting sub-objective 4 | Promotion of gender equality, non-discrimination, the rights of the child, transparency and a rights-based approach. |

We believe these four sub-objectives to be relevant and supportive of the overall objective, in line with the policy and plans of the Government of Laos and of the FLP, in accordance with Swedish priorities, and (possibly with minor exceptions) within the field of expertise of the consultant, Umeå University.

Some of the risks identified in the report include the expanding number of students at the faculty, the somewhat weak capacity and commitment of the FLP to reform management, the unpredictability of future financial resources, and unforeseen staff changes.

We recommend that attempts are made to integrate the project into regular FLP planning and procedures, including harmonisation of activity years and reporting. Unfortunately, however, we still think it is too early to hand over responsibility for project funds to the FLP.

Our overall impression of the project is good. We find an enthusiasm among staff and students to develop the faculty, improve teaching, increase learning, and thus in the long run contribute to a society where the rights of all citizens may be protected, promoted and realized.

Appendix 1: Terms of Reference

**Embassy of Sweden
Vientiane**

2006-11-09

U11 1.6.3-3/4

*First Secretary
Anne Kullman*

Mid-term assessment of the project” Strengthening of the legal education and training in Lao PDR” 2003 – 2008.

1. Background

Sweden has cooperated with Lao PDR in the legal sector since the beginning of the 1990’s.

The Swedish support to the Faculty of Law and Political Science (FLP) at the University of Laos commenced in October 2000 with the aim at comprehensively improve the legal education at FLP. The first phase of support focused on up-grading different qualities of the teaching staff, substantial legal knowledge, production of text-books, English language proficiency and improving learning facilities. It is a long-term work and challenge to establish a high quality legal education whereas Sida decided to continue its support to the FLP.

The on-going phase of cooperation started in December 2003. The main objective with the current 5-year project is improved quality of graduate students at the Faculty of Law and Political Science. In this second phase, more focus is given to teachers’ capacity to develop methodological and pedagogical skills, and thereby improving the quality of the education at the FLP. The objectives and sub-objectives are the following;

1. Improved technical capacity and pedagogical knowledge among faculty teachers

Sub-objectives;

- 1.1 Strengthening the exchange with other legal agencies*
- 1.2 Increased number of legal text-books in the library*
- 1.3 Improved legal training*
- 1.4 Improved teaching methodology*
- 1.5 Improved language knowledge*
- 1.6 Improved computer skills for teachers and administrative staff*
- 1.7 Increased research at the FLP*

2. Improved capacity in management and administration

Sub-objectives;

- 2.1 Improved management*
- 2.2 Improved financial administration*
- 2.3 Improved gender awareness*

3. Improved students motivation

Sub-objectives;

3.1 Improve students' living conditions

3.2 Improve class-room facilities and teaching equipment

Curriculum development will continue to be an important aspect of the project and the process of reforming the curriculum will be closely supported. A novelty of this second phase is the inclusion of human rights as well as the introduction of rights-based approach to the topics taught at FLP.

2. Objective of the assessment

The mid-term review assessment is expected to;

- record the development of the project so far,
- assess the results of different project activities so far and to assess the relevance of the different project activities in relation to overall goals of the project
- provide input and advise whether any modifications should be made for the remaining part of the project. It may result in intensification, prolongation or phase out of the project or parts of the project, or it may conclude that the original project plans shall remain.
- give advice on possible areas of priority for the evaluation of the project planned for in 2008 (as envisaged in the specific agreement governing the cooperation)

The assessment report, together with the comments from the Faculty of Law and Political Science and the Umeå University will serve as basis for the discussion during the midterm review of the project.

3. The assignment

The consultant team should focus on the following aspects;

A) Describe

1. the performance and achievements of the results so made within the project so far since the implementation started in December 2003²³,
2. the curriculum development at the Faculty
3. how a rights based approach have been introduced at the FLP and used in the planning and implementation of different project activities (non-discrimination, participation, empowerment, accountability, transparency and promotion of individual rights) including gender equality.
4. the actual legal education system in Lao PDR, current institutions and functions
5. how the Faculty of Law interacts and coordinates its' activities with the other legal training institutes and schools. How does the FLP inter-act with other concerned institutions in the legal sector.

B) Relevance and Effectiveness.

1. Assess the relevance and effectiveness of the current project design and much focus and effort is put on different activities in relation to the others considering their relative importance in reaching the project objective; does the current project design addresses the problems posed? Give recommendations on possible alternative ways to achieve the results.

²³ As set out in the project document from October 2003, the annual work-plans and agreed minutes from annual review meetings.

2. Analyze the project relevance in relation to the latest development of the legal sector (Draft Legal Sector Master Plan and the vision outlined in the latest draft). Are there any connections with other actors/institutions that might be beneficiary to strengthen for the second half of the project period?

C) Sustainability.

One of the objectives with the project is to strengthen the management and administrative capacity of the FLP.

1. Assess the ownership of the project by FLP and NOUL and give recommendation on how more responsibility for the project management could be transferred to FLP.
2. Describe the current management structure of the FLP and which additional conditions that are needed for FLP to assume full responsibility for the financial management of the project.

Changed project environment; Since the project commenced, the number of students accepted to the Faculty through the evening programme has increased substantially.

3. In what way, if any, have the increased number of students and the increased teaching burden of staff affected the project implementation?

D) General

1. Give recommendation for areas and criteria for the evaluation planned for in 2008
2. Make a preliminary rating of the results reached so far according to Sida's results based management system (SiRS)

4. Methodology

In order to carry out the assessment, the consultants should;

- Assess reports and other documentation from the project as well as other related documents on a policy level
- Interview different stakeholders, including Sida, Faculty of Law, and Umeå University staff that have been involved in implementing the project at different times,
- Interview individual beneficiaries; i.e. teachers and students at the Faculty of Law

5. Organisation, time-frame and reporting

The assessment will be conducted by a team of independent consultants (2 persons) in-between November - December 2006.

The team will be conformed by one international and one Laotian consultant. The international consultant will be the team-leader and the main author of the jointly prepared report. The Laotian consultant should focus on the tasks highlighted in the text above. The man-weeks will be organized as follows;

| | |
|----------------|---------------------------------------------------------------------------------|
| Int consultant | 2 weeks in Laos + 1 week preparation & reporting |
| Lao consultant | 1 week for joint work with int consultant + 1 week of preparation and reporting |

A de-briefing meeting with a presentation of the main findings shall be performed jointly by the consultants after finalizing the field work for Sida, FLP and Umeå University (preferably with slide-show).

A draft report shall be sent to Sida latest one week after completed field work. After comments on the descriptive part from FLP and Umeå University, and comments on the whole report from Sida, the final report in English and Lao, including a summary, shall be sent to Sida/Vientiane within one week after receiving the comments from Sida. The Laotian consultant will be responsible for the translation of the report to Lao.

The recommendations made and the opinions expressed by the team shall be those of the team and shall not be regarded as emanating from, or binding upon Sida. The role of the team is to give constructive advice on how to improve the implementation of the project.

6) Requirements and qualification of the team

The consultants proposed shall together have documented experiences in the following areas;
Legal knowledge,
Competence, knowledge and experience from development cooperation projects in the legal sector,
Competence, knowledge and experience from reviews and evaluations of development projects in the legal sector
Previous experience from working in Lao PDR or well documented knowledge about the social and political environment in Lao PDR
Good knowledge of English and competence to read Lao

Written references:

Project document "Strengthening Legal Education at the Faculty of Law and Political Science at the National University of Laos" 15 October 2003
Annual work plans and minutes from annual and semi-annual review meetings
Reports from FLP and Umeå University to Sida
Final report phase 1
Mid-term review assessment report from phase 1 (28 October 2002)
Appraisal of pedagogical aspects of Education (August 2006)
Gender assessment and action plan, GRID, 21 (June 2005)
Consultancy report on Human Rights in the legal sector of Lao PDR (June-July 2006)
Educational law of Lao PDR, and the decree of National University of Lao PDR
Rule of the FLP and organisational chart
Curriculum of FLP and Curriculum of international cooperation department
List of textbooks produced within the project

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Lao stakeholders that might be important to interview:

Ministry of Education, Ministry of Foreign Affairs, Ministry of Justice, Prosecutors Office, Supreme Court, Judicial Training center, Lao Bar Association, NOSPA

Appendix 2: Methodology

The findings in this report are based on written material and on interviews and observations. The bulk of the written material was provided by the FLP/Project staff and by the Embassy of Sweden. We quickly got access to all material we asked for. A list of written references is included as Appendix 4.

While Pär Sköld visited Vientiane during the days November 19-30, Xaynari Chanthala is a national of Laos, residing in Vientiane. The team conducted joint field work, mainly consisting of interviews, during the period November 20-24. The following days, the team members mainly worked independently. On December 1, interviews were held in Bangkok and Nakhon Pathom, Thailand. One interview was held by telephone while all others were held face to face.

As shown in Appendix 3, the team met with a great number of persons, representing different organisations of relevance for judicial training and the legal system of Laos. With only one exception, we got to meet all persons we wanted to interview. A meeting with a representative of the Supreme Court could, however, not be organised.

Where possible, English was used during interviews. Often however, interviews were carried out in English and Lao. Xaynari Chanthala often served as a translator. During some interviews with teachers and students at the FLP, a Lao staff member of the Embassy of Sweden served as interpreter. Even if the team usually conducted joint interviews, a few interviews were conducted by Xaynari Chanthala only, and then in the Lao language.

Most interviews were carried out individually, but in a few cases teachers and students at the FLP were interviewed in pairs (or small groups). Most interviews were of a semi-structured format.

As the opinions and experiences of teachers and students at the FLP are central, we decided to conduct interviews with a minimum of ten students and ten teachers at the faculty. This was done in an anonymous way, and the names of teachers and students interviewed are thus not mentioned in Appendix 3. Teachers and students were basically selected randomly among persons present at the campus. However, among daytime students we only interviewed grade 5 students, since they have more experience of the FLP and its development than younger students. Since there isn't yet a grade 5 for the evening students, a few 4th year evening class students were interviewed.

Among the teachers selected, we made sure that the selection included representatives of different departments, that some had experience in studying abroad, and that different ages were represented. In terms of gender, there is a balance between women and men when it comes to interviews with students and teachers. However, as can be seen in Appendix 3, the majority of other interviewees are men.

We discussed the possibility of using the survey method to collect data from a greater number of students and teachers. If the mission would have lasted for another week, we would probably have done so. However, our assessment is that our interviews gave us a fair overall impression of teachers' and grade five students' opinions and experiences of the project. More interviews, complemented with a questionnaire, would definitely have given us more thorough and more precise data. It may also have given us the possibility to identify differences in opinion depending on gender, age, position or other variables. However, for the purpose of the present assignment, we assess that the data gathered suffice to back up the findings presented in this report.

A main challenge when assessing the achievements and effectiveness of the project, is to actually measure if, and to which extent, the training provided by the FLP has improved, and to which extent the project has contributed to this. As far as we were informed there are no baseline data that may be used to measure actual progress in the students learning over the years. This is unfortunate, but should not be impossible to change if the FLP so wishes. Standardised tests in English as well as in Law, may very well be used to measure and compare improvements over time.

In the absence of such data, we had to rely more on qualitative data, primarily different stakeholders' perceptions and assessments of developments. However, there is plenty of quantitative data available that serve to estimate achievements and effectiveness, even if they don't necessarily serve to verify impact. Some examples are the number of books produced, the number of teachers attending and completing training in English and law, inside or outside of Laos, number of computers in use, etc.

To conclude we would say that the methodology used gives an acceptable level of validity and reliability, but that precision could be better.

A de-briefing, in which preliminary conclusions were presented and discussed, was held at the FLP on November 30. Representatives of the FLP, of Umeå University and of Embassy of Sweden in Vientiane were present. The de-briefing was chaired by the Dean of the FLP and by the First Secretary of the Embassy.

In December a draft report was circulated among stakeholders, and comments were used in the preparation of the final report.

Appendix 3: Persons Interviewed

Faculty of Law and Political Science

- Mr. Khamphone Souliyaseng, Dean
- Mr. Somphanh Chanthalyvong, Vice Dean
- Mr. Bounthieng Phommachanh, Vice Dean
- Mr. Viengvilay Thiengchanhxay, Vice Dean
- Inthana Bouphasavanh, Project Assistant
- Mr. Sharan, Pedagogical Advisor
- Students and teachers

Umeå University

- Mr. Erik Häggqvist, Chief Technical Advisor
- Mr. Ulf Vanneback, former Chief Technical Adviser (interviewed by telephone)

Embassy of Sweden, Vientiane

- Ms. Anne Kullman, First Secretary

National University of Laos

- Mr. Soukkongseng Saignaleuth, President
- Mr. Khamphong Nammavongmixay, Deputy Director, Planning and International relations Office

Ministry of Foreign Affairs

- Mr. Phoukhong Sisoulath, Project Manager, International Law Project
- Mr. Peter Van Krieken, Chief Technical Advisor

UNDP

- Mr. Viengsamay Vongkhamsao, Programme Analyst

Ministry of Justice

- Mr. Sutha Phommachanh, Director of Judicial Administration
- Mr. Kisin Siphangam, Director of Cabinet

Ministry of Education

- Mr. Sengsomphone Viravouth, Deputy Director, Department of Planning and Cooperation

Legal and Judicial Training Institute

- Phouthone Keodouangmany, Director
- Ms. Ratsamy, Teacher

Lao Bar Association

- Mr. Sysavong Vithasay, Vice President
- Mr. Somphou Keomounmany, Project manager, UNDP-LBA Project

Thammasat University, Bangkok, Thailand

- Mr. Kittisak Prokati, Professor of Law

Mahidol University, Nakhon Pathom, Thailand

- Ms. Sriprapha Petcharamesree, Director of Office for Human Rights Studies and Social Development

Embassy of Sweden, Bangkok, Thailand

- Mr. Johan Hallenborg, Regional Adviser, Democracy and Human Rights

Others

- Mr. Khamsouk Phommarath, lawyer

Appendix 4: Literature References

- FLP (2002-2005), Annual report on the status of activities of the project Strengthening legal education at the Faculty of Law and Political Science, (annual reports for the years 2002, 2004 and 2005)
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Öhrlings and PricewaterhouseCoopers (2002), Evaluation Report, Strengthening the Rule of Law in Lao PDR, 1992-2000, a report by Miomir Serbinson, Anna Collins-Falk and Björn Birkoff

Appendix 5: Acronyms and Abbreviations

| | |
|-------|--------------------------------------------------------------------------|
| CTA | Chief technical Advisor |
| DAC | Development Assistance Committee |
| DESA | Division for Democratic Governance (Sida) |
| FLP | Faculty of Law and Political Science |
| GRID | Gender resource Information and Development Center, Lao Women’s Union |
| LBA | Lao Bar Association |
| LJTI | Legal and Judicial Training Institute |
| LSMP | Legal Sector Master Plan |
| LWU | Lao Women’s Union |
| MoE | Ministry of Education |
| MoJ | Ministry of Justice |
| NGO | Non-Governmental Organization |
| NGPES | National Growth and Poverty Eradication Strategy |
| NOSPA | National Organization for the Study of Policy & Administration |
| NPD | National Project Director |
| NUoL | National University of Laos |
| OECD | Organisation for Economic Cooperation and Development |
| Sida | Swedish International Development Co-operation Agency |
| SIPU | Swedish Institute for Public Administration |
| UNDP | United Nations Development Program |