Laos Legislative Drafting Programme

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http://hdl.handle.net/2144/22398
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January 11, 1995

MAIN ELEMENTS OF SUGGESTED DRAFT PROPOSAL
FOR DRAFTING PRIORITY LEGISLATION
AND STRENGTHENING LAW PDR DRAFTING CAPACITY
A three year project

Note: These elements remain tentative, subject to agreement by all parties and constraints imposed by available funds.

1. As soon as possible, MOJ appoint drafting teams of 3 to 4 members for six priority bills for first year of project. Teams come from MOJ and line ministries; include social scientists as well as lawyers.

2. Team drafts outline of research report and proposed bill, and begin gathering relevant facts about Lao circumstances as to:
   a. whose and what behaviours comprise the difficulty;
   b. possible causes of those behaviors (as suggested by using ROCCIPI research agenda);
   c. social costs and benefits of proposed solution (that is, implementation of draft bill);
   d. Ways to monitor the bill.

3. Seidmans nominate list of 3 possible foreign consultants for each bill and send to MOJ which will select one, and retain the names and curriculum vitae of all those nominated as possible future consultants.

4. By 1 June, 1995, MOJ send draft outlines of each research report and bill to the relevant foreign consultant so the consultant can prepare relevant materials relating to foreign law and experience.

5. MOJ arrange a meeting place and accommodations for a one month workshop in Vientiane for all members of six drafting teams during July, 1995.

6. The one-month workshop will consist of:
   a. First two weeks: Working with the teams to improve the outlines of the six bills and accompanying research reports, the Seidmans will teach the use of legislative theory and techniques.
   b. Second two weeks: Each foreign consultants will work with the drafting team to review relevant foreign law and experience as to the nature of the difficulties, explanations, actual legislation, and monitoring procedures.
c. For one day, together with the relevant foreign consultant, drafting team members will design a two-week study tour, identifying the countries to visit and the specific issues they will study relevant to their bill and research report.

d. Last 2 days: Each foreign consultant will conduct a seminar for persons from government, the private sector, and mass organizations concerned with the bill.

7. In the six months following the summer workshop, members of drafting teams will:

a. go on study tours as planned;

b. complete their draft bills and research reports for submission to MOJ and National Assembly Standing Committee on Legislation for further revision and passage by the end of 1995.

8. Laos will select four persons to go to Boston University for a course specially designed to enable them to become effective instructors in legislative drafting. There they will study law and development (including legislative theory and methodology and the uses of foreign law and experience in drafting), social science research methods for drafters, legislative drafting techniques, and teaching methods. On their return, they will be responsible for working with drafting teams to strengthen Lao drafting procedures and the capacity of Lao drafters.

While attending Boston University, the team members will prepare drafts of the following:

i. regulations specifying the criteria and processes of drafting;

ii. a draft handbook on legislative theory and methodology, legislative techniques, and the use of the Lao language in drafting;

iii. a proposal for a process for monitoring and evaluating the implementation of existing Lao legislation;

iv. the syllabi and teaching materials for in-service courses for Lao drafters on legislative theory and methodology, social science research methods for drafters, and legislative language and techniques.

b. On their return to Laos, instructors will discuss their draft materials with the Committee on Law Reform and other government officials, and revise them as appropriate.
10. In 1996, the MOJ will initiate the same process for six more bills. The four Lao instructors will take the lead in leading the summer workshop, using the teaching materials they have prepared. The Seidmans will assist by nominating 3 foreign consultants for each bill and, in an advisory capacity, attending the summer workshop.

11. In 1997, the MOJ will initiate the same process for six more bills.