

LEGAL SERVICES COUNTRY PROFILE

LAO PEOPLE'S DEMOCRATIC REPUBLIC

International Legal Services Advisory Council

Attorney-General's Department

Australia

January 1998

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Introduction

The International Legal Services Advisory Council (ILSAC) was established in late 1990 by the Australian Government to assist in improving Australia's international performance in legal and related services. To help achieve this purpose profiles for seventeen countries and economies of the Asia Pacific region have been prepared. The Profiles, which are intended as a guide only, cover Australia, Cambodia, China, Fiji, Hong Kong, India, Indonesia, Japan, Laos, Malaysia, Papua New Guinea, The Philippines, Singapore, South Korea, Taiwan, Thailand and Vietnam.

ILSAC is chaired by the Hon Sir Laurence Street AC KCMG and comprises representation from private legal practice, the Law Council of Australia, commercial dispute resolution centres, education institutions and relevant Government departments and agencies.

This third edition of the Profiles is designed to provide an overview of the legal and related services sector in each country or economy. The information in the Profiles is organised under the following main headings:

1. General information:	key data, legal language, form of government and economic indicators.
2. Basic legal information:	system and sources of law, structure and regulation of the legal profession, law-making bodies and professional legal education.
3. Legal services market:	professional legal associations, local, Australian and foreign law firms, and commercial dispute resolution.
4. Market access requirements:	foreign lawyer admission requirements, regulation and restrictions on foreign lawyers/firms and recent regulatory changes.
5. Australian legal services:	prospects for Australian legal services; Australian dispute resolution services and Australian legal education and training services.
6. References/sources:	list of source material and date of information contained in the profile.

Comments, additional information or corrections, and suggestions for improvement of this Profile would be welcome.

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1 General information

Official name

Lao People's Democratic Republic.¹ The informal name, Laos, is increasingly being discarded in favour of Lao, which loses the 's' added by the French in the 19th century.

Population

The 1988 census revealed a population of 3.94 million.² The population in 1994 is estimated to be 4.4 million and the population growth rate was estimated to be 2.9 per cent.³ The population is concentrated in rural areas, with only 19 per cent living in urban centres.

Languages

The official language is Lao.⁴

Legal language

Lao

Capital

Vientiane City.⁵

Form of government

Socialist, one-party government.

- Head of State: President Nouhak Phoumsavanh.
- Head of Government: (Prime Minister)
General Khamtay Siphandone
- Ruling Party: Lao People's Revolutionary Party
- Head of Judiciary: (Chairman of Supreme People's Court)
Ket Kiattisak
- Minister for Justice: Kham Ouan Bouppha
- Vice Minister of Justice: Mr Somlith Chanthachak

Political background

After centuries of existence as independent kingdoms based in various centres, including Vientiane, Luang Prabang and Champassak, Laos emerged in its present geographical form in the late nineteenth century as a result of French colonial rule. In 1949 France recognised Laos as an independent associate state as part of the French Union. Full sovereignty was granted by

the French in 1954. From 1955 until 1973 a monarchical parliamentary regime maintained power. Since 1975, the People's Democratic Republic of Laos has been a one-party socialist state.

The transition to Communist rule occurred in 1975. Communist rule has followed a similar pattern to that in Cambodia and Vietnam. Initially one of the most Leninist Communist states, the Lao government moved to a more pragmatic and open stance in the late 1980s. The Lao equivalent of *glasnost* and *perestroika*, is *chintanakan mai* (new thinking). Elections were held across Laos from 1988 to 1989. While the Lao People's Revolutionary Party (LPRP)⁶ retains firm control of the institutions of government (and is the only legal political party), there has been significant restructuring following the Fifth Party Congress (1991), including granting to the National Assembly the power to appoint the President, members of the Cabinet and the Chairman of the Supreme Court.⁷

Economic information

Basic indicators	1990	1991	1992	1993	1994*
GDP (US\$ m)	850	1,006	1,076	1,124	1,215
GDP (K bn)	613	725	776	811	870
Real GDP growth (%)	6.7	4.0	7.0	4.5	8.0
Inflation (%)	35	12	10	7	7
Exports (US\$ m)	146	97	128	166	198
Imports (US\$ m)	276	228	265	299	384
Current account (US\$ bn)	-72	-47	-41	-60	-75

Source: The Economist Intelligence Unit, Country Report: Indochina, 2nd Quarter 1994; Preliminary figures from Australian Embassy.

* preliminary figures and estimates K = Kip (Lao currency; current exchange rate: approx. 720 Kip per US\$).

Per cent of GDP in services sector

In 1993, 24 per cent of Laos' GDP was derived from the services sector (compared to 56 per cent from the agricultural sector).⁸ The present level of development of the Lao economy has so far limited growth in the services sector, however, as the economy opens up, there is growth potential. In recent years, growth has been strongest in hotel and restaurant sectors and in value-added financial services.

Tourism, while possessing great potential has been limited to date, due to the lack of suitable infrastructure. The opening of the Friendship Bridge between Northern Thailand and Vientiane in April 1994 has reportedly already led to a significant increase of day tourism. Foreign investment from Thailand and other countries has had an impact, and 28 tourism investment projects have been licensed since foreign investment restrictions have been lifted.⁹

A number of private banks have also been licensed. In October 1989 the Joint Development Bank was opened (owned 70 per cent by Thai investors and 30 per cent by the State Bank of Lao PDR). In 1993 four Thai banks opened branches in Laos. The Lao government also runs eight commercial banks.¹⁰

Australia-Lao trade

Major Australian exports to Laos in 1993/94 included precious metals, iron & aluminium structures, liquid pumps, other machinery. Major Australian imports in 1993/94 were textiles and sporting goods.¹¹

Total two-way trade with Australia (1993–94)	25,241
as % of total Australian trade	n.m.
rank in total Australian trade	78
Value of Australian exports (1993–94)	25,197
market ranking in Australian exports	70
% growth (five-year trend)	153
Value of Australian imports (1993–94)	44
market ranking in Australian imports	148
% growth (five-year trend)	n.m.

Source: Department of Foreign Affairs and Trade, *Composition of Trade—Australia, 1993–94, 1994*. n.m. = not material

Trade and investment prospects

Australia is in a good position to take advantage of the new liberal economic policy in Laos. The completion of the Mittaphab (Friendship) Bridge mentioned above, funded by Australian aid¹², has helped foster a positive relationship between the two countries, based on more than forty years of continuous diplomatic contact. There have also been a number of Ministerial visits from both sides over the past year, with several more to come in 1995. Nevertheless, it is important for Australian firms to work hard on developing contacts within Laos to be successful.

Areas that show particular promise for Australian exports are building materials, mining exploration, agricultural equipment and infrastructure-related products and services. Telstra is closely involved in the telecommunications sector. Three Australian companies, CRA, Normandy-Poseidon and Western Mining Corporation are involved in mining exploration in Laos. The Nam Theun 2 Project is a large hydro project which involves Transfield of Australia as the developer and as an equity holder. An agreement was signed on 16 March 1995. The Tasmanian Hydro-Electric Commission Enterprises Corporation signed a Memorandum of Understanding with the Lao Government on 6 April 1994, which will ultimately lead to the construction of three hydroelectric schemes and a power grid to link Laos with Thailand, Cambodia and Vietnam.¹³

Imports into Australia from Laos are minimal and, until the Lao economy industrialises, there is little prospect of significant growth.

Lao economy— current assessment

Overall, the Lao economy is quite healthy despite significant potential barriers to growth. Since the adoption of the new economic mechanism in 1986, development of the economy has been impressive.¹⁴ GDP growth has continued strongly over the last five years. Inflation appears to be under control and is steadily falling which contributes to a stable currency.¹⁵ The major obstacles to continued growth are the large fiscal deficit (7 per cent of GDP in 1993,¹⁶) the current account deficit (from 3.5 per cent of GDP in 1992 to 4.8 per cent in 1993¹⁷), the lack of a well-established legal framework and infrastructure deficiencies.

The outlook for foreign investment is quite positive, with the government making concerted efforts to attract foreign investors.¹⁸ The Law on the Promotion and Management of Foreign Investment in the Lao PDR came into effect in June 1994, replacing the 1988 Law.¹⁹ The new law aims to simplify foreign investment licensing and taxation (now levied at a flat rate of 20 per cent). Import duties on goods used for production were also lowered from 5 per cent to 1 per cent.²⁰

At a conference held in March 1994, the government outlined an 11-point plan to attract new investment. The central features of the plan are training, guarantees of protection of investor assets, permitting full repatriation of profits, and income tax concessions.²¹ The Foreign Investment Management Committee has been established as the primary point of contact, and the maximum wait for an investment licence has been reduced to 60 days.²²

Australia is already the third largest investor in Laos with 29 projects underway worth a total of US\$29.4m (Thailand has 167 (\$198m) and the United States 24 (\$82.5m)). Some of the larger projects are: the Nam Theun 2 dam (the largest investment project ever undertaken in Laos); the Tha Ngone Bridge on a build, operate, transfer basis; and CRA has signed one of the first 'cradle to grave' mining exploration licences with the Lao government.

An investment protection agreement between Laos and Australia was signed on 6 April 1994, and will enter into force on 8 April 1995.

2 Basic legal information

Legal system

The Constitution of Laos was endorsed by the People's Supreme Assembly (as it then was) in August 1991. The Constitution consists of a declaratory preamble and ten substantive chapters. The chapters cover the political system, the socio-economic system, the rights and obligations of citizens, the rights and duties of the National Assembly, the office of President, the organisation and powers of government and administration, the organisation of the judiciary, the institution of public prosecution, and the procedures for constitutional amendment.

Sources of law

The laws of Laos are derived from a mixture of Lao traditions and French civil law. The traditional system was applied in the areas of civil and family matters, largely in relation to children and inheritance. It was also applied in relation to the succession and transfer of land.²³ In 1975 all existing laws were abolished, and a combination of socialist law and Lao tradition was adopted. French law was, however, still applied in tribunals as administrative law. Until the promulgation of the Constitution in 1991, the primary source of law in Laos consisted of decrees issued by the Prime Minister.²⁴

Legal development

According to a publication of the Ministry of Justice, Laos, as of 13 December 1994, had 28 Laws, which have been adopted between 1988 and 1994. In order to give full support to the "New Economic Mechanism" the government is preparing legislation on a variety of matters, including land, the environment, special economic areas, mining, water, government. Some of the legislation in preparation is to adjust existing legislation, such as the penal and civil code, to the changed circumstances of Laos.

Structure of the legal profession

Currently most, but not all, people with legal training work in courts and in the government administration. In every Ministry there is at least one lawyer; the Committee for Planning and Cooperation, for example, has four lawyers on its staff. However, those with legal training do not always work in law-related areas.²⁵ Lao lawyers can act as barristers or solicitors or as legal consultants with a private firm. The only two law firms, at present, are foreign ones.

Some law graduates go back to teach in the Law School as demand for lawyers is expected to rise considerably with the increase in large development projects. Projections are also that

2500 magistrates will be needed for courts in the whole country. The Ministry of Justice is in charge of providing magistrates and prosecutors.

Regulation of the legal profession

The Bar Association has been suspended since 1993 after having been installed in 1992. The Ministry of Justice has drafted a new Decree to reinstate the Bar and this decree is believed to be currently with the Council of Ministers. The Constitution (article 69) is very clear as to the existence and role of the bar, even though it is currently suspended.

Law-making bodies

The National Assembly is the legislative body of Laos and supervises the activities of administrative and judicial organisations.²⁶ This is the body authorised to draft, endorse and amend the Constitution and to consider, endorse, amend and abrogate laws.²⁷ In practice, laws originate in the relevant line Ministry and are vetted by the Ministry of Justice before being introduced into the National Assembly.²⁸ After a law or decree has been drafted it goes to the Committee under the Ministry of Justice, which has the responsibility of ensuring there are no inconsistencies between laws.

According to the Constitution, six bodies have the right to propose draft laws:

- the President of State;
- the National Assembly Standing Committee;
- the Government;
- the People's Supreme Court;
- the Public Prosecutor General; and
- the mass organisations.

The National Assembly is the primary law making body. The President must promulgate laws adopted by the National Assembly within thirty days of their enactment. During this period the President of State has the right to request the National Assembly to reconsider such laws. Although the proposals for laws may have originated from any of the above sources, in practice, laws have usually been made by Presidential decrees under Chapter V (The President of State) of the Constitution.²⁹

Since March 1993, the Government of Laos has made available an "Official Gazette", issued in Lao, English and French, which provides the text of significant legislation and decrees. Laws and decrees now often stipulate that they will take effect from

their publication in the Gazette.³⁰ Unfortunately, publication of the Gazette has ceased since late 1994 due to a lack of funds.

Law derived from Australia

There has been no direct Australian influence on Lao law. Lao officials within the Ministry of Justice have expressed an interest in Australian legal professional regulation in framing rules for the legal profession in Laos.³¹

Court structure

There are three levels of courts: the District or Magistrates' Courts (130 throughout Laos), Provincial Courts (18) and the Supreme Court. Judges are appointed and removed by the National Assembly Standing Committee³²

The District Courts have jurisdiction to hear criminal cases with penalties up to three years, and civil cases involving disputes up to 500,000 kip (approx. A\$700). Civil cases always commence with mediation/conciliation before progressing to adjudication. Generally, decisions at the trial level are made by a panel of three judges; however in a small number of cases, the case will be dealt with by a single judge, who will usually conduct mediation/conciliation before the trial.³³ Appeal, as of right, exists to the Provincial Court.

The 18 Provincial Courts have jurisdiction to hear all criminal and civil matters, and litigants may elect to commence proceedings in a Provincial, rather than District Court. A person may lodge an appeal to the Supreme Court 20 days after judgment. There are plans for establishing a Court of Appeal, or regional Court in the near future (one each in the Northern, Central and Southern region). This would create a level of appeal between the Provincial and Supreme Courts, as there are currently a large number of cases reaching the Supreme Court.³⁴

Chapter VIII of the Constitution creates the People's Supreme Court as the highest judicial organ of the State. There are 20–25 Judges in the Supreme Court, all of whom were legally trained in the former USSR, France and Laos.³⁵

Professional legal education

Local training

The School of Law in Vientiane is part of the Ministry of Justice. The School is not a university. There is currently a three year and a five year study program (see below); the three year program is to be discontinued when presently-enrolled students complete their studies in July 1995.

The School of Law, which is some 7 kms from the centre of the city, has around 1,000 students in the 1994/95 academic year.

A number of the students reside in nearby dormitory accommodation. Student intake is from three different sources: secondary school leavers (85%), people with 5 years work experience, from the army and the police (15%). The School is divided into three sections: judiciary, economic and administrative, however, the first two years are the same for all students.³⁶

Legal training since 1986 has been on an in-house basis and is in the civil law tradition. The “apprentice” progresses through the Ministry and is subsequently intitled “lawyer” at the end of the apprenticeship period.³⁷ The course structure since 1993 has been divided into two streams, the Intermediate (Mid) level and the High level.

The intermediate level

Graduates of this three year program receive a “Certificate of the School of Law”. The first six months are spent at the School undertaking courses, which is followed by practical training for one month at a District Court. The students then return to the School for a further two months of classes, which are followed by examinations. The year begins in early October and ends in early June. Seventy percent of the students come from High School after completing their Baccalaureate. The remaining 30 percent come from the civil service, whose nomination usually takes place after they have completed five years experience. Three candidates can be nominated from each province, and each Ministry can also nominate candidates. There are 300 students in this program. Seventy graduated in 1993.³⁸ It is understood that this program will be discontinued from July 1995.³⁹

The high level

Completion of this program takes four to five years, and graduates receive a “Diploma of the School of Law”, which is signed by the Minister of Justice and the School Director. Students are drawn from the civil service, or from among Lao students who began courses in law in the former Eastern Bloc, and who did not complete them because of political upheaval there. There were eight such students in 1993, and three in 1994. Additionally, after intermediate level graduates have served for several years in the Ministry, they are eligible to enrol in the third and fourth years of the higher level program. It is expected that around 350 students will be enrolled in this course.⁴⁰

The School also offers short three week courses, which it takes to the provinces to train Magistrates and officials in new laws and procedures. Usually teams of six people from the School teach about the principles of civil, criminal and procedural law, and court administration rules.⁴¹

There is a pressing need for more legal education resources in Laos.⁴² The Ministry of Justice is considering two options for increasing future legal training capacity: first the development

of the Dong Dok Centre for Higher Education into a University with a Law Faculty; or second, the replacement of the two different courses with a five-year course, which would be able to draw on all the Law School's resources. The Vice Minister of Justice reportedly considers the second approach the more likely.⁴³

Qualifications for practice

Information not currently available.

Principal universities

See above.

Other domestic training institutions

Short term studies in law and administration are provided by the ENAG (Ecole Nationale d'Administration et de Gestion)

Post-graduate legal courses

Information not currently available.

Other domestic legal qualifications

Information not currently available.

Practical legal training

The Ecole Nationale d'Administration et de Gestion (ENAG), operates under the auspices of the Prime Minister's Office and provides short courses designed to improve the administrative skills of public servants. Although not specifically a legal education institution, prior to 1975 it was effectively the law school in Vientiane. Plans also exist for the introduction of a one year course for judges with an emphasis on Lao and comparative law.⁴⁴

The Ministry of Justice organises seminars and training as well as dissemination of laws and decrees for judges, prosecutors, police officers, justice officers. Each seminar or training takes 21 days. So far, seminar/trainings have been organised in 11 provinces with 1080 people attending. In the future training in the remaining six provinces is to be organised for an expected group of 610 people.

Foreign legal training

Sources of foreign legal training and skills obtained

A number of Lao lawyers previously received legal training in the former Soviet Union, the former Eastern European Bloc countries and Cuba.

The Swedish International Development Authority (SIDA) is active in Vientiane. SIDA assists with the Gazette, runs short term law courses and assists with teaching in-house courses at the Ministry of Justice.⁴⁵ SIDA is also assisting the Ministry of Justice in instituting an English program at the Ministry and at the School of Law.

The School of Law is further assisted by SIDA (general capacity building and the administrative stream in the School), the French government (the judicial stream) and AusAID (the economic stream).

In addition there are several training courses which are organised inside and outside Laos, which are not part of a larger assistance project. These include those provided by the International Development Law Institute (IDLI), Rome, training courses available through scholarships, and training courses for magistrates, notaries and clerks provided by the French government through the ENAG in Laos.

In 1995 two Lao students will commence undergraduate study of law in Australia.

3 Legal services market

At present, all lawyers trained by the Government work within the Government.⁴⁶

The Lao Ministry of Justice has estimated a need for approximately 2,300 lawyers to staff the Ministries, courts and to act as public prosecutors by the year 2000. Currently there are some 140 lawyers undertaking these tasks.⁴⁷ The Ministry of Justice estimates that because of the Law School's current rate of 100 graduates per year, the target would not be reached until around 2020.

There is effectively no private sector and no professional lawyer's organisation currently in existence. Previously, there were 22 advocates and 11 trainees of the former (now suspended) Vientiane Bar Association. They are now permitted only to give advice "in the background", cannot charge for court appearances, but are allowed to work in private companies. Company employees are allowed to appear on behalf of the company.⁴⁸ There are, however, reports of three lawyers from Laos who have trained in France and who are practicing law privately in Vientiane.⁴⁹

Professional associations/ law societies/ bar associations

The previous Bar Association was established in 1992 by a decree of the Prime Minister but in 1993 was suspended because the rules were felt not to reflect the realities at that time.

The suspended Vientiane Bar Association had previously been considering rules for private practice, but the Government has indicated that the Ministry of Justice will closely regulate the profession when it is re-established. The Council of Ministers is currently reviewing a draft decree to regulate the Bar Association.

Apart from the Bar, the Ministry of Justice has established an Office of Arbitration. The Office has permanent and non-permanent members (from other ministries and departments including from the private sector) totalling about 20 arbitrators.

Local legal firms

Local legal firms

There are currently no Lao legal firms, as such, however there are Lao consulting firms which are sometimes involved in legal matters such as drafting contracts, giving legal advice etc.

Local lawyers

It is difficult to give an estimate of total numbers of people trained in law in Laos. The suspended Bar had about 17 lawyers plus some trainees, and one should take into account the magistrates in the 17 provincial courts. On the other hand, many law graduates with degrees from the former socialist bloc cannot find work in the legal area and move to other occupations.

Per cent in international commerce

This is not applicable, as there are no private Lao law firms. However, some lawyers work with Ministries involved in international commerce, such as the Ministries of Trade and Finance. In addition there are some lawyers who work with Lao and foreign private companies as legal consultants. It is estimated that there may be around 15 lawyers involved in providing services concerning international commerce.

Value of legal services

The value of legal services is not available. In terms of billing, different systems exist alongside each other. Both hourly rate as well as 'lump sum' occur. In the former case, the average rate may vary from US\$50 to US\$80 per hour.

Local legal firms involved in international work

Not applicable, as there are no Lao legal firms, only individuals who work as consultants to companies and Lao consultancy companies who will also assist in legal matters. As there are currently around 400 foreign firms licensed to do business in Laos, the potential number of legal advisers is fairly large. However, figures are not available.

Practice mix

Not applicable.

Australian and other foreign legal firms

Australian firms

Australian firms with some form of representation

A number of Australian law firms have sent representatives to Laos in recent times to assess the opportunities for commercial advising or provision of other legal services:⁵⁰ These include:

- Mr Peter Kemp of Kemp Strang & Chippendall, Sydney, who is involved in the establishment of joint ventures in

Legal Services Country Profile: Laos

Laos between the Government of the Lao PDR and Newcastle University and the Hunter Valley Training Company Pty Ltd;

- Mr Andrew Boxall, a Singapore-based lawyer with Allens Arthur Robinson, has worked in Laos in an advisory capacity on several occasions over the past five years;
- Mr Gerald Wakefield of Middletons Moore and Bevins (Sydney) also works in Laos on a fly-in, fly-out basis,
- Mr Michael Kennedy of Corrs Chambers and Westgarth (Perth) has been a regular visitor to Laos ;
- Freehill Hollingdale & Page was invited to submit a proposal for an internationally funded Technical Assistance Project (1993);⁵¹

Other international firms with links to Australia

- Mr Neill Macpherson, a lawyer until recently with Deacons, Hong Kong (which is associated with the firm Sly & Weigall (Australia), and formerly with the Australian firm Blake Dawson Waldron, Sydney, advised the Government of Laos on a series of planned sales of government enterprises in 1992.

Australian lawyers

- Professor Ivan Shearer, the University of Sydney, undertook an assignment funded by AusAID (AIDAB), in respect of public international law issues arising from the construction of the 'Friendship' bridge between Thailand and Laos;⁵²

Local lawyers

Whether any Australian law firms or lawyers retain the services of a Lao lawyer is not known.

Foreign legal firms

While various foreign law firms have expressed interest in establishing a presence in Laos, there has been limited activity by foreign lawyers. Three US trained lawyers received the first licence to operate a foreign law firm (November 1993) practising as "Donovan, Flipse & Dirksen" (the firm is now known as Dirksen Flipse Doran & Le (see below).

- Dirksen Flipse Doran & Le, Lawyers & Counsellors, an international law firm, has maintained a licensed office in Vientiane since 1993. The firm's work is in the civil area concentrating on commercial and corporate assignments and contract law. The firm works as local counsel, drafting contracts and giving general advice. Ms Mary Flipse is one

of the few Lao-speaking, Western-trained lawyers.⁵³ The firm also has offices in Phnom Penh, Ho Chi Minh City and Seattle.

- Burapha Legal and Business Consultants. A number of Swedish lawyers received a second licence and operate an office in Vientiane as part of the Burapha Group.⁵⁴

Status of lawyers employed

Most, though not all, practicing Lao lawyers work for the government. The Ministry of Justice intends to recruit and train a new group of private lawyers when the profession is re-established.⁵⁵

Local lawyers

There appear to be no restrictions.

Foreign lawyers

There appear to be no restrictions.

Practice mix

Dirksen Flipse Doran & Le concentrate on business and commercial issues. Legal advice is given in matters such as trade, investment, copyright, labour law, accounting and family law. Burapha consultants is also involved in managing some of the bilateral and multilateral legal assistance programs.

Commercial arbitration

A new arbitration law was passed by the National Assembly in late 1994. The Law is based on the UNCITRAL Model Law and was prepared with the assistance from the World Bank/Harvard Project. The Law stresses independence from judicial control and there is an emphasis on the free will of the parties in setting up the arbitration. Foreign lawyers will be able to act as arbitrators, and a list of Lao arbitrators will be provided by the Ministry. The process of arbitration will commence with the parties each choosing an arbitrator, and then the arbitrators would choose a third member of the panel. The process will always start with mediation, then progress, if necessary, to arbitration. It is envisaged that intervention by the courts will be limited to a small number of specific areas.⁵⁶

In addition, the new Enterprise Decree mandates that company by-laws contain provisions on methods of solving disputes.⁵⁷ Disputes relating to the “business conduct” of a sole trader or company (broadly defined as “investment in various activities of the economy including production, transport, construction, trade, tourism, services and other activities designed to earn profit”⁵⁸) are characterised as “economic disputes” and will be governed by further regulations.⁵⁹

The new Foreign Investment Law is expected to regulate the resolution of investment disputes. Under the current law, the parties have the option of submitting their dispute to any one of the following entities for resolution:

- a Lao arbitration organisation;
- the arbitration commission of any third country; or
- an international economic decision-making organisation.

Firms/centres

No centre or firm currently provides arbitration services. However, Decree No. 106, issued by the Council of Ministers on 15 July 1994, provides for the establishment of an Arbitration Office under the Ministry of Justice. The Arbitration Office is responsible for the settlement of economic disputes among the parties. Article 2 of the Decree stipulates: “Economic disputes are disputes which arise in the course of business activities in the field of agriculture, industry, commerce, services and others.”

Foreign restrictions

No regulations restricting foreign lawyers.

International instruments

Laos is not a member of the New York Convention or any other international conventions relating to the arbitration of international commercial disputes.

4 Market access requirements

Foreign lawyer/firm regulation

There are no rules specifically governing the practice of foreign *lawyers*. Foreign lawyers are currently treated as foreign *investors*. They are able to work within a company, but there is no provision for practice as an autonomous foreign lawyer. When consideration of the re-establishment of the private profession is complete, foreign lawyers will, in all likelihood, be able to set up in cooperation with a Lao lawyer.⁶⁰

Body responsible

The Ministry of Justice is responsible for licensing foreign law firms, so that they can provide legal consultancy services.

Laws & regulations

The two companies active in Laos, Dirksen Flipse Doran & Le and Burapha Legal and Business Consultants are both authorised as “legal consultancies”. They are not governed as “law firms” but as “foreign investments”.

Foreign lawyer admission to practice requirements

Citizenship

The Constitution guarantees certain fundamental rights to all those who live in Laos. Other than that there are no provisions requiring citizenship. However, a foreign lawyer cannot represent a client in court.

Educational qualifications

No provisions.

Experience

No provisions.

Pupillage period

No provisions.

Residency requirements

A foreign lawyer who has decided to establish a law office in Laos is considered a foreign investor and has to comply with the relevant Lao laws. For ordinary investment projects the partners do not necessarily need to be permanent residents of

Laos; a manager or authorised representative can run the office. In the case of a law office, there are no provisions.

Government approvals

As a foreign lawyer is considered a foreign investor he/she needs an investment license in order to set up a law firm and carry out its activities. Therefore he/she must apply to the Foreign Investment Management Committee (FIMC) under the Committee for Planning and Cooperation. This government body then must screen the application, and after consultation with the Ministry of Justice, give an answer within 60 days of the date of the application as to whether it will grant the license or not. A foreign lawyer can only be a legal consultant and cannot appear in court.

Other

None.

Admission authority

As yet not regulated, but it is expected that the Ministry of Justice will be responsible for the regulation and admission of foreign lawyers.

Special admission

Not regulated.

Additional requirements

Visa restrictions

Lawyers are generally treated as foreign investors and have to comply with the relevant laws. Foreign investors and their employees are usually allowed six months, renewable business visas, which are handled by the Ministry of Foreign Affairs. They also require a work permit.

Work permits

The Ministry of Labour and Social Welfare handles work permits.

Regulation of foreign law firms

As mentioned above, foreign law firms can only operate as legal consultancies. In this case they are regulated by the Law on the Promotion and Management of Foreign Investment in the Lao PDR No. 1, adopted by the National Assembly on 14 March 1994.

Use of firm names

There are no special provisions, as long as the name reflects the work the firm is doing.

Employment of local lawyers

The status of domestic lawyers has not yet been regulated, but in fact Lao lawyers are employed by foreign law and consulting firms. Under the proposed new regulations, they are expected to be able to both defend clients in court as well as act as legal consultants.

Local firm association

No provisions, no precedents.

Government approvals

No provisions.

Other

No provisions.

Restrictions on practice

Local law

Foreign lawyers can practise local law, but they cannot represent their clients in Lao courts.

Home law

No provisions.

Foreign law

No provisions.

International law

No provisions.

Other

No provisions.

Recent regulatory changes

The most relevant change expected in the near future will be the approval of the draft Decree on the Bar Association by the Council of Ministers.

5 Australian legal services

Australian law firms

For Australian law firms and lawyers providing services, see 3—*Legal services market*.

Prospects for Australian legal services

Given the small size of the domestic market there are at present only limited opportunities for Australian legal services in Laos. Opportunities will be limited largely to legal work associated with major foreign (and particularly Australian) commercial projects and legal consultancy work under funding from multilateral donors and the Australian aid program.

Dispute resolution services

Centres/firms

The **Australian Centre for International Commercial Arbitration (ACICA)** provides services for the settlement of international commercial disputes of all kinds to the region. ACICA was established in 1985 as a company limited by guarantee and incorporated in Victoria by The Institute of Arbitrators, Australia. The Institute of Arbitrators has as its main objectives the education and training of arbitrators and their grading, the nomination of arbitrators to arbitrate disputes and the promotion of arbitration as a means by which commercial disputes can be resolved. ACICA has entered into arrangements with the International Centre for Settlement of Investment Disputes in accordance with the provisions of the *Convention on the Settlement of Investment Disputes between States and Nationals of Other States 1965 (ICSID)*.

ACICA has Co-operation and Trade Arbitration Agreements with 34 International Arbitral Centres around the world including those in the world's major trading nations in Asia, Europe, the Middle East and the Americas.

ACICA is a member of the Council of Asia Pacific Commercial Dispute Resolution Centres and has close relationships with the International Chamber of Commerce Court of Arbitration in Paris.

ACICA has concluded a Co-operation Agreement and is in regular communication with the Hong Kong International Arbitration Centre.

For further information on ACICA, contact:

**The Secretary General
Australian Centre for International Commercial Arbitration
Level 1
22 William Street
Melbourne Vic 3000
Telephone: (03) 9629 6799
Facsimile: (03) 9629 5250**

The **Australian Commercial Disputes Centre (ACDC)** provides consulting, training and dispute resolution services both domestically and internationally. It concentrates on mediation, expert appraisal and determination. ACDC has entered into arrangements with the International Centre for Settlement of Investment Disputes in accordance with the provisions of the ICSID Convention.

ACDC is the London Court of International Arbitration (LCIA) Registry for the whole Asia-Pacific Region. LCIA's services are available to all involved in international commercial activity. It is open to any party to elect to have his/her dispute determined under the internationally recognised LCIA Arbitration Rules or UNCITRAL Rules.

ACDC is also a member of the Council of Asia Pacific Commercial Disputes Centres.

For further information on ACDC, contact:

**Ms Carol Dance
Chief Executive Officer
Australian Commercial Disputes Centre
Level 4
50 Park Street
Sydney NSW 2000
Telephone: (02) 9267 1000
Facsimile: (02) 9267 3125**

Legal education and training

Overseas students studying law in Australia

Undergraduate/post-graduate

Two students from the Lao Ministry of Justice commenced study in 1995 for bachelor of laws degrees, one each at Griffith University and Queensland University of Technology, Brisbane, funded by AusAID.

Short courses

Information not currently available.

Overseas students studying in Australia

Most (probably around 95%) Lao students in Australia are studying under the scholarship system administered by AusAID, however there are some privately-funded students, but none of them reportedly studies law. At any point in time there are approximately 100 Lao students in Australia, with about 60 (new) scholarships granted each year.

Commonwealth-funded higher education institutions

Close to 100 per cent of total student numbers.

Overall

Human Resource Development has long been a priority sector of the Australian aid program in Laos. A major part of Australia's commitment to building human resources in Laos has been the scholarship system. It remains one of the most high profile and far reaching of Australia's aid activities in Laos and is strongly supported by the Lao government.

Qualifications recognised

Information not currently available.

Australian Education Centre representation

Information not currently available.

Dollar value of educational services

Not known—as mentioned above, most if not all students are on AusAID scholarships. For the period 1991–1995 the following numbers of students from Laos completed formal courses of study in Australia:

- Doctorate 8 students
- Masters 49 students
- Graduate Diploma 5 students
- Bachelor Degree 38 students
- Associate Diploma 17 students

6 International legal assistance

Australia

Australian aid program and legal assistance

The Australian Agency for International Development (AusAID), previously known as AIDAB, administers Australia's development assistance program to Laos. In April 1994 the Australian Prime Minister announced a new four year Australian aid commitment to Laos for the period 1994/95 to 1997/98 totalling \$47.5 million. Sectors in which assistance will be provided to address development needs include infrastructure, education and children's health.

Australia will also support environmental assistance programs worth \$1 million over two years from the South East Asia Environment Program which will be additional to the four year pledge.

Total Australian aid to Laos in 1994/95 is expected to be about A\$14.2 million. Australia is the fourth largest aid donor to Laos, behind Japan, Sweden and Germany.

Ongoing activities under Australia's aid program include education and training, agriculture, infrastructure, poverty alleviation, and development of commercial linkages. In the field of English language training Australia is the major donor in this field. Australia's already high profile in Laos received a boost from the Australia-funded A\$42 million Friendship Bridge project opened in April 1994.

Australian support will be provided for a land titling project co-financed with the World Bank.

AusAID presently has under consideration a legal assistance project proposal which will support the development of legal education and training in market law at the School of Law. The indicative budget for the project proposal is of the order of \$300,000 over two years. Implementation should commence in 1995/96.

In addition, AusAID funds scholarships for study in Australia. There were about 100 Lao students studying in Australia at the end of 1994 under the Australian Sponsored Training Scholarship Scheme) and the Australian Development Cooperation Scholarship (ADCOS) scheme and short term training scholarships. Two students from the Lao Ministry of Justice have started to study for bachelors of laws degrees, one each at Griffith University and Queensland University of Technology, Brisbane, this year, funded by AusAID.

Attorney-General's Department

The Australian Attorney-General's Department, Canberra, signed a Memorandum of Understanding on legal cooperation with the Lao Ministry of Justice in March 1994. The Memorandum includes provisions relating to the exchange of legal materials, assistance for the development of the Law School, personnel exchanges and furthering contact between the two countries' legal institutions. It nominates laws governing trade, foreign investment, banking and international dispute resolution as priority areas. The Department has arranged for copies of selected Australian legislation to be provided to the Lao Ministry of Justice. An initial gift of legislation, together with legal materials provided under the AILEC Program and by the Australian Department of Foreign Affairs and Trade, was presented to the Ministry of Justice in March, 1994.

Australian International Legal Cooperation (AILEC) program

The Australian International Legal Cooperation (AILEC) program is a three year program directed at fostering closer relations in law between Australia and Laos, Cambodia and Vietnam. It was established by the Australian Government in mid 1993 for a three year term. The Australian International Legal Cooperation (AILEC) Committee advises the Attorney-General of Australia on legal cooperation activities and other matters relevant to the AILEC program. The Committee is chaired by Ms Elizabeth Nosworthy, a senior private practitioner in Brisbane, and comprises 14 members drawn from private practice, university law schools, the business community, government departments and the Law Council of Australia. The Committee and AILEC program is serviced by a small Secretariat in the Australian Attorney-General's Department, Canberra.

Total approved funding of the AILEC program is A\$670,000. The AILEC program will be reviewed in mid 1996.

Professor Malcolm Smith visited Vientiane on behalf of the AILEC Committee from 3–5 February 1994. The purpose of his visit was to assess the scope for legal cooperation between Australia and Laos, particularly in the field of legal education. Professor Smith visited Laos again in January 1995 and prepared a second report for the Committee. He also conducted a seminar on commercial dispute resolution for the Ministry of Justice. Professor Alice Tay, Professor of Jurisprudence and Director of the Centre for Asian and Pacific Law, the University of Sydney, visited Laos in February 1994 in connection with her research interests and provided a report to the Committee on scope for legal cooperation activities of interest to Laos.

The Chair of the AILEC Committee, Ms Elizabeth Nosworthy, and the Director of the AILEC Secretariat, visited Laos in May

1994 in connection with the development of a program of legal cooperation activities.

An AILEC Program Coordinator, Ms Soumieng Deajpanyanan (also known as Ms Sue Ma) who is locally based, assists with the implementation of AILEC legal cooperation activities.

AILEC legal cooperation activities to Laos, to date, comprise minor items of equipment to the Ministry of Justice (1994), co-funding (with the Australian Department of the Prime Minister and Cabinet and the Attorney-General's Department) of an official visit to Australia in mid 1995 of the Lao Minister of Justice and delegation, and provision of legal materials and text books. A Legal Sector Background Paper on Laos was prepared and published in March 1994. Further activities are planned in 1995/96.

Other countries and multilateral

In 1990 the largest bilateral donors of grant aid funds to Laos were Sweden, Japan and Australia. Germany has recently resumed bilateral development co-operation programs to Laos.

A number of organisations have contributed or are contributing to the renovation of Laos' legal system. They include:

- SIDA (Swedish International Development Authority) has been involved in the Legal Gazette Project, and in a "Strengthening the Rule of Law" Project.⁶¹ When the Bar is re-established, SIDA plans to commence a project of assistance to the Bar.⁶²
- AusAID (see above) and UNDP, are considering a collaborative legal assistance training program in market law.
- UNDP: assistance in public administration reform, legal reform in business, finance and aviation.
- World Bank: assistance in legal reform in business, finance and land.⁶³
- Asian Development Bank (ADB): assistance in drafting laws in the financial sector.
- UNICEF, WHO, FAO, UNDCP, UNHCR have proposed draft legislation or provided assistance in drafting in areas relevant to their mandates.
- French government: assistance in drafting of, among others, contract and family law; currently working on the drafting of regulations in the health sector.

Legal Services Country Profile: Laos

- German government: assistance in the field of legal education.
- Thai government: assistance in banking regulations.
- Vietnamese government: assistance in the drafting of the Constitution and other laws.
- FINIDA (Finland): assistance in forestry and environmental regulations as well as community development.

A “Legal sector framework project” is currently in place. A Memorandum of Understanding was signed in February 1995 between the Ministry of Justice, the World Bank, UNDP and some other donors. The Project, which was originally set up as a Harvard Institute project, is intended to focus on the following areas:

- Assistance in legislation drafting (UNDP).
- Assistance in implementation and monitoring of legislation (World Bank).
- Judicial reorganisation (France).
- Environmental impact of the law (Noraid, UNDP).
- Legal training (AusAID, SIDA, World Bank).
- Information technology: on-line record data retrieval (Australian National University, World Bank).

There are also bilateral agreements between Laos and respectively China, Vietnam and North Korea on the exchange of delegations of the National Assemblies and Ministries of Justice.⁶⁴

The French government through the Ecole Nationale d'Administration et de Gestion (ENAG) in Laos provides scholarships and training courses for magistrates, notaries and clerks.

The International Development Law Institute (IDLI), a Rome-based non-government organisation with the objective of encouraging and facilitating the use of legal resources in the development process, has conducted a number of training workshops in the region. A one week workshop was held in Vientiane on Negotiating and Managing International Contracts (1993). A workshop on Banking was to be held in Vientiane in May 1994.

The Asia Foundation, a private American grant-making organisation based in San Francisco, supports a number of programs and activities directed at the development of legal infrastructure and legal skills in the countries of the Mekong Basin.

The Mekong Region Law Center was established as a result of an international conference in August 1992, and is a joint venture between Thailand, Cambodia, and Vietnam. The Center operates as an “information clearing house”, providing research facilities and sharing of legal experience. Although it is, in theory, a cooperative project amongst the three countries, the experience of Thailand as the most developed member of the group adds an element of legal assistance to the operation of the centre.⁶⁵ The Center’s inaugural meeting was held in Phnom Penh from June 17–20, 1994, at which the globalisation of law, environmental law and foreign investment law were discussed, as well as the logistics of the Center’s establishment. Support for the Center was pledged from a number of countries and institutions and Mr Christopher Roper (Centre for Legal Education, Sydney) on behalf of the Australian institutions present, expressed their readiness to encourage support from within Australia.⁶⁶

7 Appendix

Inventory of Lao laws

As of 13 December 1994, there were 28 laws in force in Laos:⁶⁷

Constitution	1991
Foreign Investment Law	1988/1994
Economic Crimes	1988
Criminal Code	1990
Criminal Procedure Code	1990
Public Prosecutor Law	1990
Law on the Supreme People's Court	1990
Ownership Law	1990
Contract Law	1990
Inheritance Law	1990
Law on State Bank	1990
Court Fees Law	1990
Nationality Law	1990
Family Law	1990
Extra Contractual Obligations (Torts)	1990
Civil Procedure Law	1990
Labor Law	1990/1994
Insurance Law	1990
Enterprise Accounting Law	1990
Elections Law	1991
Notaries Law	1992
Civil Status Law	1992
Law on the amendment of Laws	1992
Business Law	1994
Tax Law	1994
Budget Law	1994
Bankruptcy Law	1994

Guarantee Law⁶⁸

1994

8 References/sources

- 1 Economist Intelligence Unit, *Indochina Country Report* 2nd Qtr 1994.
- 2 Central Population Guidance Committee, quoted in EIU *Country Profile* p.71.
- 3 Dept of Foreign Affairs and Trade (DFAT), *Country Economic Brief: Laos* August 1994.
- 4 Article 75, *Constitution of Lao PDR*.
- 5 Article 79, *Constitution of Lao PDR*.
- 6 *Far Eastern Economic Review*, 4 Nov 1993 p.29.
- 7 Lonely Planet: *Laos* 1994, Economist Intelligence Unit: *Country Profile*.
- 8 DFAT, op.cit., p. 9–10.
- 9 DFAT, op. cit., p. 26–7.
- 10 DFAT, op. cit., p. 27.
- 11 DFAT, *Composition of Trade Australia*, 1992–93.
- 12 Australian Aid worth A\$48 million has been pledged for the period 1995–1998; Ambassador Roland Rich, in: *Asialine*, Vol. 3, No. 2, 1995, and *the Australian*, March 24, 1995.
- 13 EIU *Country Report*, p39.
- 14 “Transforming battlefields into marketplaces”, *Focus* (AIDAB) p.12.
- 15 DFAT, op.cit., p.14.
- 16 EIU *Country Report* p.27.
- 17 EIU, op.cit., p.27.
- 18 EIU, op.cit., p.36.
- 19 EIU, op.cit., p.36.
- 20 DFAT, op.cit., p.17.
- 21 EIU, op.cit., p37.
- 22 EIU, op.cit., p38.
- 23 Brahm, L.J., and Macpherson, N.T., *Investment in the Lao People’s Democratic Republic*, Longman 1991.
- 24 *ibid*.
- 25 Dirksen Flipse Doran & Le and Burapha Legal and Business Consultants.
- 26 Article 39, *Constitution of Lao PDR*.
- 27 Article 40, *Constitution of Lao PDR*.
- 28 Professor Malcolm Smith, *Report on Legal Education Mission to Laos*, February 1994, p8.
- 29 Graham Nicholson, Personal Communication, January 1994.
- 30 Schneider, L., *Legal and Regulatory Framework. Recent Developments and Prospects*, April 1994, pp. 4–5. See also, Schneider, L, *Establishment of an Official Gazette in Lao PDR*, report to SIDA, October 1993.
- 31 Professor Malcolm Smith, op.cit., p7.
- 32 Article 67, *Constitution of Lao PDR*.
- 33 Professor Alice Tay and Conita Leung, *Report to AILEC Committee of visit to Thailand, Laos and Cambodia* (interview with Mr Keyoun Nhotsayviboun (Vice Chair of Comm. on Legislation) and Dr Houy Pholsena (Chief of Cabinet, Min. of Justice)), April 1994.
- 34 Professor Malcolm Smith, op.cit., p. 8.
- 35 Professor Alice Tay, op.cit., p.5.
- 36 John Gillespie, Deakin University, March 1995.
- 37 Neill Macpherson, December 1993.
- 38 Professor Malcolm Smith, op.cit., p4.
- 39 John Gillespie, Deakin University, March 1995.
- 40 Professor Malcolm Smith, op. cit., p5.
- 41 *ibid*.

- 42 In 1992, the Ministry of Justice estimated that the government alone would require 2,300 legally qualified persons by the year 2000. Taking into account the present number of lawyers, attrition and the rate of graduation from the School of Law (100 per year), the Ministry calculated that it would take until 2015 to reach the target. (from *Short Presentation of the Law School*, Burapha Consultants, January 1994.).
- 43 *ibid.*
- 44 Professor Malcolm Smith, *op.cit.*, p5.
- 45 *ibid.*
- 46 DFAT, December 1993.
- 47 General Director of Ministry of Justice, 5 July 1992.
- 48 Professor Malcolm Smith, Personal Communication, February 1994.
- 49 Neill Macpherson, Personal Communication, December 1993.
- 50 Neill Macpherson, Personal Communication, December 1993.
- 51 Attorney-General's Department, 1993.
- 52 *ibid.*
- 53 Business Review Weekly, *Laos Relaxes Rules on Legal Practice*, May 9, 1994, p74.
- 54 Business Review Weekly, *op.cit.*, p74.
- 55 Professor Malcolm Smith, *op.cit.*, p7.
- 56 Professor Malcolm Smith, *op.cit.*, pp. 8–9; and Xaynari Choulamany, March 1995.
- 57 Article 20, Enterprise Decree; A new Business Law has since been adopted, however, this is said not to specifically supersede the Enterprise Decree.
- 58 Article 3, Enterprise Decree.
- 59 Article 29, Enterprise Decree.
- 60 *ibid.*
- 61 The project is in the format of seminars aimed at upgrading the knowledge of judges and prosecutors in comparative, constitutional, administrative, court system and arbitration law; Dr. Houy Pholsena, Ministry of Justice, March 1995.
- 62 Annika Fogde, Burapha Consultants, March 1995.
- 63 Specifically, the UNDP/Worldbank projects take the form of pre and post drafting training and seminars especially with regards to economic laws such as Procurement, Cheque, Agency, Bankruptcy, Enterprise, Land Law etc.
- 64 Linda Schneider, Ministry of Finance/World Bank, March 1995.
- 65 Laidlaw, David; Report, p. 4.
- 66 "Mekong Regional Law Center", Lawasia Comparative Constitutional Law Newsletter, pp. 5–6.
- 67 Courtesy of Mr. Ketsana Phommachane—Lao Ministry of Justice.
- 68 The original source mentions "Security Law". However, this law does not deal with 'security' in the 'law and order' sense of the word, but in the economic sense.