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# **Work Plan for 2011**

**Laos-United States International and  
ASEAN Integration (LUNA) Project**



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## **Laos-United States International and ASEAN Integration (LUNA) Project**

**Submitted to the**  
USAID/RDMA,  
Ministry of Industry and Commerce, and  
LUNA Project Steering Committee

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# 1. Introduction

The objective of the USAID-funded Laos-United States International and ASEAN Integration (LUNA-Lao) project is to support the government of Laos in drafting, analyzing, promulgating, and implementing the array of legal and economic policy reforms and institutional capacity building needed to accomplish the following three objectives:

- Support the effective implementation of the U.S.-Laos Bilateral Trade Agreement (BTA);
- Support the timely accession of Laos to the World Trade Organization (WTO); and
- Support Laos in fulfilling its commitments to the ASEAN Economic Community (AEC).

The three trade agreements form the pillars for establishing priorities for LUNA activities. These trade agreements have far-reaching impact, not only on commercial activity in Laos, but also on governance and the rule of law. To be most successful, the modernization and deepening of the Lao legal system and the integration of its economy into regional and global markets, which are driven by effectively implementing the trade agreements, should be integral and positive components of Laos' long-term development strategy. Although the mandate for the project is to support implementation of the trade agreements, the more general, and ultimately more important, goal of the project is to help Laos use the trade agreements to lay a strong foundation for sustained, broad-based development, poverty reduction, and strengthened rule of law and governance.

LUNA provides technical assistance consisting of legal and economic policy analysis, comments on draft laws and regulations, training, and support for workshops and seminars, publications, study missions, translation, research, and certain equipment purchases. As much as possible, the project attempts to provide on-the-job and other types of training to counterpart staff, and project technical advisors work in teams with government counterparts to produce outputs. In this way, not only will useful legal and policy reforms be advanced, but the capacity of staff will also be enhanced, which will contribute significantly to the sustained impact of the project into the future.

## **PROJECT OFFICE AND TEAM OPERATIONS**

The local project office and team are operating well. Building on the solid foundation of the first two nonresident phases of the project, the resident LUNA project has now operated for one year. Steve Parker, Project Director and Resident Trade Adviser, arrived in Vientiane in January 2010. LUNA has established a local office with local technical and administrative staff, has developed good operational relationships with LUNA's supervisor in Laos—the Ministry of Industry and Commerce's (MOIC) Foreign Trade Policy Department (FTPD)—and under the guidance of FTPD has carried out an array of demand-driven technical assistance tailored to meet the needs of seven agencies in Laos. LUNA's local administrative, personnel, and financial activities are supported by Enterprise and Development Consultants (EDC), a local company.

## **SUPERVISION AND THE LUNA PROJECT STEERING COMMITTEE**

Because the trade agreements affect the responsibilities of a number of agencies, the FTPD has developed a Project Steering Committee (PSC). The PSC will supervise project operations and approve demand-driven technical assistance activities for LUNA based on the three trade agreement pillars mentioned above. It will be chaired by the Vice-Minister of Industry and Commerce, with the FTPD Director General and Deputy Director General of the International Cooperation Department, Ministry of Planning and Investment, as Vice-Chairpersons. Committee members include senior officials from the Ministry of Justice, National Authority of Science and Technology, Ministry of Agriculture and Forestry, Ministry of Finance, National Assembly, Ministry of Foreign Affairs, Laos National Chamber of Commerce and Industry and the ODA Division in the MOIC's Foreign Trade Policy Department. (All the members of the PSC are listed in Appendix B.) Staff from the FTPD's Multilateral Trade Policy Division (MTPD) will provide secretariat support.

The PSC along with USAID and U.S. Embassy officials met at the end of April 2011 to approve this Work Plan in principle. Several related donors also participated in the meeting as observers. All PSC members were given until May 6 to make any additional comments. Following that, any final refinements based on those comments will be made, and the PSC and USAID will formally approve the Work Plan. The PSC tentatively agreed to meet again in September 2011 to review the Semi-Annual LUNA Work Plan for 2011, with the intention of meeting at least twice a year over time. As well, the PSC Chairperson requested that USAID consider co-chairing the PSC, as is done for other donor projects managed by the MOIC. A decision will be made on this before the next PSC meeting.

## **PROJECT ADMINISTRATION**

LUNA will work with the PSC to develop the following operating procedures that will facilitate our technical assistance.

***Scope of LUNA activities.*** LUNA will support activities that advance the implementation of the BTA, WTO, and AEC. If a requested activity is not directly related to implementing these agreements, the PSC may add a new objective to LUNA's mandate.

***Assigned technical counterparts.*** LUNA has been approved to work with the eight counterparts (listed below in Chapter 1). The PSC may assign additional counterparts.

***LUNA reporting on technical assistance activities.*** To facilitate effective communication and oversight of LUNA's often rapidly evolving technical assistance, the following reports will be provided by LUNA to the Steering Committee Secretariat and USAID:

- An annual work plan with an overview of activities from the previous year and new counterpart requests for the next year, which will also serve as the fourth quarter report for October to December; this will be completed in draft in January (for formal approval by the PSC and USAID);
- A semiannual work plan with an overview of recent activities and new counterpart requests; this will be completed in draft around July of each year (for formal approval by the PSC and USAID);
- Two quarterly reports to the PSC and USAID completed in draft in April and October of each year (to monitor LUNA activities);
- Monthly reports to the FTPD reporting on the status of each activity and establishing priorities for work in the upcoming months, completed by the first week of each month.

**Counterpart requests through government and LUNA channels.** Each counterpart should submit a request for LUNA technical assistance in the annual and semi-annual work plan through two channels:

- By an official letter from the counterpart through FTPD to the Project Steering Committee.
- From LUNA through the FTPD to the PSC and USAID.

**Urgent requests and approvals on an interim basis.** If a request for a new activity is sufficiently important and urgent to be considered between PSC meetings, LUNA and the counterpart can submit the request to the FTPD and the PSC for special, interim approval.

**Meetings.** The PSC may meet at least twice a year to discuss and approve the annual and semiannual work plans/reports. More frequent meetings may be called if needed. The PSC may meet internally to discuss and approve LUNA activities. The PSC and FTPD will meet at least twice a year with USAID and U.S. embassy officials to ensure cooperation and communication between LUNA's two supervisory authorities.

**Donor coordination.** The LUNA Project Steering Committee will operate under the Integrated Framework Secretariat (IF Secretariat) to ensure effective donor cooperation.

As well, LUNA will meet regularly with other donors and will participate in all relevant donor coordination mechanisms. Contingent on PSC approval, LUNA will share reports with other donors as requested. USAID will also supervise the administration of all program activities of LUNA.

## **USAID EXTENSION AND EXPANSION OF LUNA**

Given the strong response by Lao counterparts and the productive activities completed in 2010, USAID is working with MOIC to extend LUNA from September 2011 to September 2013. This should provide greater certainty to the PSC and Lao counterparts that LUNA can provide ongoing, systematic support for legal reform and capacity building to support BTA implementation, WTO accession, and AEC compliance.

USAID expects to increase funding for the project by \$3.2 million from March 2011 to September 2013.<sup>1</sup> Realized funding depends on budget decisions made each year by the U.S. government, which may cause the actual amounts to be lower.

The additional funds will be used to fill three critical posts on the LUNA resident team: a resident, senior expatriate legal adviser, a Lao Deputy Project Manager, and a full-time legal translator.<sup>2</sup> A majority of the additional funding, nevertheless, will support counterpart activities such as policy and

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<sup>1</sup> USAID provided \$1.493 million from December 2009 to September 2011 to fund the Phase 3 expansion into a resident program in Vientiane, which has been formalized into the LUNA Project. In 2008 and 2009, \$623,000 was provided for the smaller, nonresident program that was the predecessor to the resident program. If full funding materializes through September 2013 as currently planned, total funding for the project will be \$5.316 million from 2008 to 2013.

<sup>2</sup> To use our scarce funds most efficiently while still significantly increasing the project's on-the-ground legal expertise, the resident expatriate legal advisor will work around two-thirds time.

training workshops, study missions, publications and reports, websites, and other capacity-building initiatives, and to provide local and international technical experts.

## **LAO COUNTERPARTS FOR LUNA DEMAND-DRIVEN ASSISTANCE**

LUNA's technical assistance is developed in response to counterpart requests. To date, the PSC has authorized LUNA to respond to the following eight counterparts:

- Ministry of Industry and Commerce;
- National Authority for Science and Technology;
- Ministry of Justice;
- Ministry of Agriculture and Forestry;
- Ministry of Finance;
- Ministry of Public Health;
- National Assembly; and,
- Lao National Chamber of Commerce and Industry.

## **SETTING PRIORITIES AMONG BTA, WTO, AND AEC COMMITMENTS**

There are more requirements in the BTA, WTO and AEC than LUNA can effectively support, and some requirements have to be met more urgently than others. Priorities for LUNA therefore must be set. Several important legal/policy requirements are common among all three trade agreements. Because of the importance that Lao leaders give to WTO accession, LUNA expects to focus in 2011 on requirements for WTO accession and BTA implementation. With regard to ASEAN, LUNA currently includes ASEAN requirements when making comments on laws and regulations more urgently related to WTO accession. Looking ahead, LUNA has been asked to support a major workshop to assess Laos' progress in implementing its commitments to the ASEAN Economic Blueprint that underpins the formation of an ASEAN Economic Community by 2015. The workshop will be used in part to determine priorities for more intensive LUNA support for ASEAN requirements over the subsequent years of the project. The PSC will review and adjust priorities for LUNA's technical assistance over time, particularly during the reviews of the annual and semiannual work plans.

## **REPORT DELIVERABLE REQUIREMENTS**

To meet contractual requirements for USAID, this report serves as both our quarterly report for October to December 2010 and the Work Plan for 2011.

## 2. A Summary of Activities Completed in 2010

This section summarizes LUNA activities completed in 2010, and reports on the completion of Phase II activities. As 2010 was the first year for the resident program, part of our focus was on completing Phase II activities initiated in 2008 or 2009, while an additional focus in 2010 was to initiate a range of new technical activities to support priority legal reforms for BTA implementation and WTO accession. Inherent to legal reform and subsequent effective implementation, the process for developing a law/regulation and building the capacity and public understanding to implement the reform is a multi-year effort. As a result, systematic support for most of the reforms that LUNA began to implement in 2010 will continue into 2011.

Reflecting this reality, this chapter summarizes LUNA's project activities in 2010, and reports in more detail on completion of Phase II activities. Reports on specific activities supporting new reform efforts that were initiated in 2010 will be included in each activity area in Chapter 3. For example, we provide a more detailed report on the considerable work completed by LUNA in 2010 supporting early stages of developing the regulations needed to establish and operate SPS and TBT Enquiry Point as an introduction to section in Chapter 3 on SPS and TBT work planned for 2011. As well, Annex A provides additional detail on LUNA activities conducted in 2010.

### A PRODUCTIVE FIRST YEAR FOR THE RESIDENT PROGRAM

In 2010, LUNA supported the following activities:

- **Legal development.** The project provided direct support in developing three laws and seven regulations for BTA implementation or WTO accession (see Annex A). One law—the major revision to the Law on Resolution of Economic Disputes—and two decrees—prime minister decrees on notification and enquiry of trade information (no. 363/PM) and on control of prices of commodities and services (no. 474/PM)—were enacted in 2010. The other legislation is expected to be approved during the course of 2011.
- **Workshops and seminars.** The project helped counterparts organize six workshops with around 370 participants, five in Vientiane and one in Thalat.
- **Study missions.** The project supported two study missions to Vietnam for 16 participants.
- **Capacity-building support and public outreach**
  - Provided several reference reports and policy memos.
  - Supported the expansion of communication capabilities for the FTPD, including upgrading Internet capacity and developing a website.
  - Outfitted a WTO and Trade Reference Reading Room.
  - Presented at several seminars and related programs of other donors.

See our report on continuing work for each activity in Chapter 3 and Appendix A for more detail.

## COMPLETION OF PHASE 2 ACTIVITIES

The following Phase 2 activities have been completed recently or should be completed shortly:

- ***Public-private dialogue for trade negotiations.*** On December 22, 2010, LUNA provided the MTPD with a policy memo “Options for Strengthening Public-Private Policy Dialogue on Trade Issues,” and met with MOIC and LNCCI officials subsequently to discuss ways to enhance policy dialogue. Proposals have been made for activities with the MOIC and LNCCI that could:
  - Strengthen the LNCCI’s capabilities to represent business interests in policy dialogue,
  - Raise public awareness of WTO-related issues, and
  - Create opportunities for policy dialogue.
  
- ***WTO and Trade Reference Reading Room.*** In November 2010, LUNA helped the FTPD purchase furniture and a computer to equip a WTO and Trade Reference Reading Room. Other FTPD resources will be used to provide references materials and to administer the Reading Room.
  
- ***Website and communication capabilities.*** A task force has been assigned to complete the development of the FTPD website. Staff members in each division are uploading data. In addition to the website software consultants, LUNA provided a computer server and provided training for webmasters in each FTPD division to upload and manage data on the webpage.
  
- ***U.S. product sector manuals.*** Manuals on marketing opportunities for five U.S. product sectors—agricultural, apparel, handicraft, silk, and wood products—were completed in English in September, and the translation into Lao was finished in December 2010. Printing of 1,000 copies of each dual-language manual (both Lao and English) should be completed by April, 2011.<sup>3</sup>
  
- ***Assessment of the Lao intellectual property system.*** An assessment of the Lao PDR intellectual property system was completed in June 2010 and submitted to the NAST Intellectual Property Office and the FTPD. Given the considerable detail and length of this report, LUNA was asked to prepare and publish a shorter summary of the findings of the assessment. This has been started, but given more pressing demands, completion of the summary has been delayed. LUNA plans to complete the summary by May or June 2011.

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<sup>3</sup> The total cost for 1,000 copies was about the same as for 500 copies and just a bit more than for 250 copies; that is, the per-unit cost declined rapidly above 250 units.

## LESSONS LEARNED IN 2010

Experience in the first year of operations by the resident project has taught us several lessons:

- ***The demand-driven approach works well*** to meet the needs of counterparts responsible for implementing requirements in the trade agreements. Productive working relations have been developed with eight key Lao agencies, creating a foundation for supporting evolving needs over time and expanding technical assistance to new activities and counterparts.
- ***Ambitious objectives; limited resources and staff***. Supporting the development of the legal reforms and capacity building needed to advance the trade agreements involves a wide range of issues and counterparts, but the resources for LUNA in 2010 were quite limited. Two major changes will be made in 2011:
  - ***Additional funding***. The additional USAID funding for 2011 through 2013 will help greatly to strategically augment LUNA staff capabilities and increase funding for counterpart activities. LUNA will continue to manage project finances frugally.
  - ***Strong Project Steering Committee oversight***. A more systematic process in line with Lao government procedures will be established for requesting and approving LUNA counterpart requests. The PSC will strengthen oversight and priority-setting for technical assistance, to ensure that LUNA works on tasks that can be completed effectively and on a timely basis.

## 3. Proposed Activities for 2011

This section describes technical assistance activities requested from our designated counterparts for 2011. Follow-up meetings will be needed to develop detailed plans for some activities. Requests include continuation of work initiated in 2010 (for example, completing the drafting of a decree or law that takes months or more than a year to develop) and requests to work on new areas. Where relevant, a report on LUNA activities from 2010 that are directly relevant to planned 2011 activities will be provided.

Requested activities in 2011 to support WTO accession and implementation of the BTA and AEC can be organized into the following eight categories:

1. Analytical frameworks and general trade-capacity building to advance the BTA, WTO and AEC;
2. Transparency and dispute settlement;
3. SPS and TBT;
4. Trade facilitation and management;
5. Customs;
6. Intellectual property rights;
7. Trade in services; and,
8. Public-private policy dialogue on trade policy.

### **1. ANALYTICAL FRAMEWORKS AND GENERAL TRADE-CAPACITY BUILDING TO ADVANCE THE BTA, WTO AND AEC**

#### **Activity 1.1: Develop a Roadmap of Legal and Institutional Reforms for BTA Implementation and WTO Accession**

Detailed assessments have been conducted on how the following laws and regulations comply with BTA and WTO requirements:

- Intellectual Property Law;
- Standardization Law ;
- The legal framework for legal transparency (to initiate a Law on Making Laws);
- Law on the Resolution of Economic Disputes; and,
- Law on Lawyers.

Less detailed analysis has been done on the Law on Customs.

As requested by the National Assembly, MOJ and FTPD, in 2011 LUNA will work with our counterparts to develop a roadmap of legal and institutional reforms for BTA implementation and WTO accession. This work will build on a careful review of the existing BTA implementation matrix, priority of laws and regulations required for WTO accession , and ASEAN plans. The work will initially focus on the issues deemed most critical for the WTO accession process and Lao development. Completion of this roadmap will be an initial priority for LUNA's new senior legal adviser. Although it may not be possible to complete a comprehensive roadmap rapidly, LUNA will develop an operational roadmap of core legislation needed for the BTA and WTO by May, as input to

the FTPD, MOJ, and National Assembly for the development of the legislative agenda for the National Assembly from 2011 to 2015.

**(Request by the NA, MOJ and FTPD – FTPD is the lead agency)**

## **Activity 1.2: Support MOIC-FTPD Capacity-Building Programs**

**Activities Completed in 2010.** In 2010, LUNA supported a) the FTPD to upgrade its communication capabilities, including building a trade policy website and upgrading internet capacity; b) purchased furniture and equipment to support the creation of a WTO and Trade Reading Room; c) completed and translated U.S. product manuals on five promising sectors for Lao exporters; d) prepared an options memo on enhancing public-private dialogue on trade policy issues.

In 2011, the following activities have been requested to build on the capacity-building support provided to the FTPD by LUNA over the past three years:

- **FTPD Website and Communications.** Support finalization of the FTPD website and the on-going updating of the live website:
  - Support a short-term local expert in trade and IT to help upload core data for each FTPD division and to train staff in all divisions to maintain the site.
  - Support the FTPD website task force in meeting with other organizations in Vientiane that have effective websites to study how to continually improve the FTPD website.
  - Support enhanced internet capacities specifically for the staff responsible for maintaining the website and communicating on WTO and other trade policy issues.
- **Translations.** Translate promulgated laws, regulations, and other materials to support the WTO accession process, as requested by counterparts, including support for publishing translated WTO legal texts (which will be translated through TDF funding).
- **Awareness of the ASEAN Economic Community Blueprint.** LUNA will support the FTPD to raise awareness about commitments by Laos to comply with the requirements of the ASEAN Economic Blueprint among government, the National Assembly, the private sector, and education institutions, as follows:
  - Support a “Mid-Term Review” workshop to raise awareness and disseminate information regarding the status of efforts by Laos to implementation the requirements in the ASEAN Economic Community Blueprint (AEC Blueprint) by 2015, and the status of engagement between Laos and the United States through the U.S.-ASEAN Trade and Investment Framework Agreement. This and related follow up activities can be done in cooperation with: a) the LNCCI to raise awareness and facilitate input by the business sector; b) in cooperation with universities and other education and research institutions in Laos; and, c) in cooperation with the National Assembly to raise awareness among NA members and staff of ASEAN requirements, what the NA needs to do meet those requirements, and the benefits and challenges related to Lao PDR compliance with the AEC Blueprint.
  - Support translation and possible publication of the U.S.-ASEAN Trade and Investment Framework Agreement and other ASEAN Agreements, including ASEAN agreements on trade in goods and trade in services, and the ASEAN-Japan Economic Comprehensive Partnership Agreement and ASEAN India Trade in Goods Agreement.

— Support the publication of an AEC Blueprint brochure and AEC Blueprint 2015 Note Book.

- **Awareness of the WTO and BTA.** Raise public awareness, especially among businesspeople, of trade agreements and the likely consequences of the implementation of the trade agreements on economic and business activity, through reports, reference materials, brochures, and seminars, in coordination with support for similar activities for the LNCCI (see Activity 8 for support to the LNCCI).

(Request by the FTPD)

### **Activity 1.3: Support the National Assembly to Develop the Laws and Capacities Required for WTO Accession, BTA Implementation, and AEC obligations**

**Activities Completed in 2010.** LUNA supported a major 4-day Intersession Workshop for around 120 officials from the National Assembly, including leadership of all relevant committees and a number of deputies and staff. Among various topics and presentations, the Minister of Industry and Commerce presented on priorities for WTO accession and how the WTO serves to promote socio-economic development in Laos.

At the request of the National Assembly, LUNA will provide support to National Assembly committees to raise understanding of international best practices in legal reforms required by the trade agreements, both on a law-by-law basis as draft laws are submitted to the National Assembly and more generally in relationship to the WTO, ASEAN, and other international agreements, conventions and processes. LUNA will meet after the April 30 election with NA counterparts to refine requests and develop timelines for technical assistance based on the priorities of the newly elected National Assembly. Work with the NA is currently expected to include the following:

- Support a workshop by the Committee on Economics, Planning and Finance to review economic laws required for meeting the requirements of the trade agreements and to promote economic development in preparation for the legislative plan for 2011–2015.
- Support workshops and provide comments, references and analysis to NA committees on international best practice for draft laws submitted to the National Assembly for review and approval.
- Support a workshop for new National Assembly members and staff on the BTA, WTO, ASEAN and international economic, trade and investment dispute settlement processes.
- Help develop capacities to monitor the impact of bilateral, regional, and multilateral trade agreements.

(Request by the NA)

## **2. TRANSPARENCY AND DISPUTE SETTLEMENT**

**Activities Completed in 2010.** LUNA provided intensive support to the MOJ and NA to refine the draft Law on the Resolution of Economic Disputes (which deals with commercial mediation and arbitration), including providing legal comments on several drafts and supporting a workshop with 57 participants to facilitate input by other ministries, the Lao Bar Association and other stakeholders, including foreign law firms. As a result, the final version of the law enacted by the National Assembly

was much more closely in line with requirements in Article 10 of the BTA and international best practice more generally, as well as more compatible with the needs of businesses in Laos. The need for improved legal transparency and legislative efficiency to meet the challenging demands of the trade agreements was raised in several presentations at the National Assembly's Intersession Workshop, helping to build a consensus on the need to develop a law on laws in Laos. Work on these issues will increase significantly in 2011.

### **Activity 2.1: Support Development of a Law on Laws and Upgrading the Official Gazette**

There are numerous requirements in the trade agreements for public consultation on draft documents and for the publication of enacted legal normative documents in an easily accessible government journal. As well, the many new legal/policy reforms required by the trade agreements increase the importance for improving the efficiency of legislative and regulatory development processes.

At the request of the MOJ, National Assembly and FTPD, LUNA will support the MOJ and National Assembly to develop a draft Law on Laws and to upgrade the Official Gazette, with the aim of improving legislative/regulatory processes and legal transparency in line with international best practice and domestic needs. The current goal is to submit a Law on Laws to the National Assembly for the December 2011 session. A first draft of an Action Plan for developing a Law on Laws was submitted to the MOJ for consideration in 2010. This work will be done in cooperation with the National Assembly's SELNA project, supported by the UNDP. The following activities are expected to be conducted:

- LUNA will support first the development of a concept paper outlining the importance of this law and how it could be structured, and secondly, a demonstration draft of the law, including an overview of transparency requirements in the trade agreements, especially the BTA, WTO, and AEC.
- A study mission to Vietnam will be organized to learn from Vietnam's experience—how it has improved its legislative development process and legal transparency at the national and local levels, including upgrading its official gazette and provincial gazettes.
- The project will support the development of a financially viable plan for upgrading the Official Gazette and determining where an upgraded Official Gazette should be located.
- The project will support a kickoff seminar and workshops and retreats to advance the draft, gain input from stakeholders, and raise awareness of the government, private sector, and National Assembly officials.
- When the law has been approved, the project will support public awareness, capacity building, and website development and training for the National Assembly, MOJ, Official Gazette, and other government agencies to bring the new system into effective operation.
- LUNA will provide support for some IT equipment for the MOJ's Department of Legislation to facilitate communications and the development/review of key laws and regulations.

**(Request by the MOJ and NA – MOJ is the lead agency)**

## **Activity 2.2: Support Strengthening of Administrative and Judicial Appeal Processes**

There are many requirements in the three trade agreements to develop a transparent and effective appeal process for government decisions and administrative actions. As requested by the FTPD, LUNA will work with the MOJ, NA, and other agencies to improve understanding of these requirements in the trade agreements, diagnose current administrative appeal processes in Laos, and make recommendations for reform and capacity building to comply with the trade agreements. In addition to the trade agreements, this is important for improving domestic governance and the rule of law. We expect project support to include the following:

- Develop a Diagnostic Report that summarizes the right-to-appeal requirements in the three trade agreements, assesses the appeal processes available in Laos, and makes recommendations on how the current administrative appeal system could be upgraded to meet the requirements of the trade agreements.
- Work with counterparts in the Government and the judiciary to develop a legislative and institutional action plan to upgrade the appeals system in Laos to meet the requirements of the three trade agreements and to achieve domestic rule-of-law objectives, focusing both on administrative appeal processes within the Government and appeal of administrative decisions to the judiciary.
- Support the implementation of this action plan.

**(Request by the FTPD)**

## **Activity 2.3: Support the Implementation of the Revised Law on Resolution of Economic Disputes**

At the request of the MOJ, LUNA will follow up its support to the MOJ on revising the Law on Resolution of Economic Disputes, required by the BTA, with capacity-building support for the MOJ's Center for Resolution of Economic Disputes to implement the recently revised law, as follows:

- Organize at least one public awareness and training program on modern commercial arbitration.
- Provide a translation of the Law on Resolution of Economic Disputes (2010) and publish it in a book in Lao and English.
- Support other public awareness materials on arbitration and mediation.
- Provide basic IT equipment and internet capacity for the Center for Resolution of Economic Disputes to communicate more effectively with stakeholders.
- Support the development of the Prime Minister Decree to Implement the Law on Resolution of Economic Disputes and related regulations, through the provision of legal comments and workshops.

**(Request by the MOJ)**

## Activity 2.4: Linking the Trade Agreements and Legal Sector Development

LUNA will support the MOJ and other agencies, as requested, in linking the many legal and institutional reforms related to the trade agreements with core legal development objectives in the Legal Sector Master Plan for Achieving the Rule of Law toward 2020.

**(Request by the MOJ)**

### 3. SPS AND TBT

**Activities Completed in 2010.** LUNA worked closely in 2010 with the FTPD, NAST, MAF and MPH to raise understanding of WTO/BTA requirements for SPS and TBT measures and to develop key SPS-TBT regulations. LUNA supported two workshops with 80 participants and provided legal comments on the following four SPS-TBT regulations:

- 1) PM Decree on Notification and Enquiry of Trade-Related Information for SPS and TBT, enacted August 19, 2010;
- 2) MOIC Decision on Notification Unit of Sanitary-Phytosanitary Measures and Technical Barriers to Trade, enacted March 9, 2011;
- 3) NAST Regulation on Establishing a Technical Barriers to Trade (TBT) Enquiry Point; and,
- 4) MAF Regulation on Establishing a Sanitary-Phytosanitary (SPS) Enquiry Point.

As well, LUNA worked closely with NAST to advance a draft Prime Minister Decree to Implement the Law on Standardization.

### Activity 3.1: Support Establishment and Operation of SPS and TBT Transparency Points

At the request of the FTPD, NAST and MAF, and in cooperation with other donors working in this area, LUNA will continue to support the development of the legal framework and institutional capacity to establish and operate SPS and TBT transparency points, including the following:

- LUNA will support the FTPD in developing the legal framework, operating manuals, and human resources to establish and operate the SPS and TBT Notification Unit. This will include commenting on draft regulations, training, and possible support for a website and supporting equipment (depending on decisions about funding by TDF and other donors).
- LUNA will support NAST's Department of Intellectual Property, Standardization and Metrology (DISM) to develop the legal framework, operating manuals, and human resources needed to establish and operate the TBT Enquiry Point. This will include commenting on draft regulations, training, and possible support for a website and supporting equipment (depending on decisions about funding by TDF and other donors).
- LUNA will support MAF in cooperation with the Ministry of Public Health to develop the legal and institutional framework to establish and operate the SPS Enquiry Point and key SPS contact points in MAF and MPH. This will include commenting on draft regulations (including regulations on animal disease control and on animal movement), training, developing operating manuals, and possible support for a website and supporting equipment (depending on decisions about funding by

TDF and other donors). The World Bank, Asian Development Bank, and UN Food and Agriculture Organization will support MAF to refine and modernize core laws and institutional capacities related to animal health, crop health, and food safety, which should align with WTO-SPS requirements. LUNA will work with counterparts and complement other donors by focusing on incorporating WTO and other trade-related requirements into SPS-related laws and regulations, in line with the more general objective of improving domestic protection for plant, animal, and food safety.

- LUNA will support MAF to draft and implement a decision for MAF to adopt the WTO-SPS principles for developing and implementing measures for plant and animal health and food safety.
- LUNA will support the FTPD, NAST-DISM, MAF, and MPH in completing the requirements for the WTO accession checklist for SPS and TBT, which will include posting and distributing related laws and regulations in English and in the Lao language. This will include translation of the law on plant quarantine.

**(Request by the FTPD, NAST-DISM and MAF – NAST-DISM is the lead agency on TBT; MAF is the lead agency on SPS; and FTPD is the lead agency on WTO notification)**

### **Activity 3.2: Support Finalization of Regulations to Implement the Law on Standardization**

As requested by NAST, LUNA will continue to support NAST's DISM to finalize a prime minister decree to implement the Law on Standardization. This will include providing legal comments, as well as supporting technical workshops to develop the draft and provide an opportunity for public consultation with stakeholders, providing training on technical elements of the decree, and promoting public awareness, including through development of brochures. A key objective is to ensure that standards, technical regulations, and conformity assessment procedures are as consistent as possible with WTO requirements given the constraints of the existing Law on Standardization. Support for further implementing regulations will be provided as well.

**(Request by NAST-DISM)**

### **Activity 3.3: Support Development of Regulations to Implement the Law on Metrology**

As requested by NAST, LUNA will also support NAST's DISM to develop a prime minister decree to implement the recently promulgated Law on Metrology, and as possible, additional lower level implementing regulations. This will involve providing legal comments, supporting workshops and providing training on international best practice related to metrology.

**(Request by NAST-DISM)**

### **Activity 3.4: Build NAST-DISM Institutional and Implementation Capacities**

As requested by NAST, and within project funding limitations, LUNA will support NAST-DISM to not only draft new laws and regulations, but also to build its institutional capacity to implement it's

increasingly more complicated responsibilities more effectively, with a particular focus on activities that enhance exports and imports, as follows:

- LUNA will work with NAST-DISM to develop a medium and long-term development strategy, which can be used to mobilize donor support and target institutional development priorities (this will build upon reports and recommendations by other donor programs);
- Strategic support will be provided to NAST-DISM to develop or upgrade its capabilities regarding:
  - a) metrology and legal measurement to facilitate trade and protect consumers;
  - b) development of standards to facilitate trade and to ensure that technical regulations are developed in line with international, regional, or national standards;
  - c) accreditation processes and improving the competence for testing and calibration in laboratories; and
  - d) developing effective conformity assessment processes through improved sampling, inspection, testing and certification to facilitate trade.

**(Request by NAST-DISM)**

#### **4. TRADE FACILITATION AND MANAGEMENT**

**Activities Completed in 2010.** LUNA supported the FTPD to advance the Prime Minister's Decree on Export and Import of Goods by including this issue for attention in a study mission to Vietnam.

##### **Activity 4.1: Support Development and Implementation of Regulations on Trading Rights**

As requested by MOIC, LUNA will continue to support the MOIC by providing comments and supporting workshops to advance the decrees and regulations affecting trading rights to ensure that WTO requirements and international practices are understood in the drafting process. LUNA will also support programs to improve understanding of new regulations on trading rights among government officials, traders, and businesses. This could lead to support for developing a comprehensive trade or commercial law, which would integrate and modernize the array of regulations that affect domestic and foreign commercial transactions more systematically. This support will be coordinated with activities to develop a national single window for border trade.

In addition to trading rights, LUNA will meet with MOIC officials to determine where our technical assistance may be able to support strategically the recently adopted National Strategy on Trade Facilitation.

**(Request by MOIC – DIMEX is lead agency)**

#### **5. CUSTOMS**

##### **Activity 5.1: Support Customs Valuation Procedures and a National Single Window**

Given the IMF's and World Bank's investment in the development of Customs, and support provided by USAID's ASEAN Single Window (ASW) project to provide technical assistance in developing a national single window by 2012, LUNA will continue to cooperate with these and other donors to

monitor legal reforms and provide support for implementing customs valuation procedures and the single window as requested. Further discussions are required to finalize activities.

- LUNA may work with Customs and the IMF on valuation training for checkpoints in several provinces, supporting workshop costs while the IMF or World Bank provides the technical adviser.
- As noted below, LUNA will work with Customs, FTPD, and the NAST-DISM to strengthen the legal framework for IP border measures to curb the import of counterfeit and pirated products. This will include training workshops and comments on draft laws and regulations.
- LUNA will provide complementary support to the ASW project to advance the national single window, most likely including support for developing a roadmap for adopting a national single window by the end of 2012 and then support to implement the roadmap. ASW will complete a legal gap analysis, which will specify the new laws and regulations required to meet this objective.
- LUNA may organize seminars and provide legal comments on additional customs issues, including possibly on product transformation issues, BTA requirements and on revisions to the Customs Law, as requested.

**(Request by Customs Department)**

## **6. INTELLECTUAL PROPERTY PROTECTION**

**Activities Completed in 2010.** LUNA worked with the NAST-DISM team on intellectual property to: a) revise and edit a comprehensive assessment of Laos' legal framework and institutional capacity for IP protection that was initially drafted in 2009; b) supported analysis and a workshop with 59 participants to advance accession to the Berne Convention on copyrights, with accession targeted by the end of 2011; and, c) supported the development and application through on-the-job training of a process to review and approve patent applications, which is expected to lead to the first approval by Laos of a patent in 2011.

### **Activity 6.1: Support Development of Regulations to Implement the Intellectual Property Law**

As requested by NAST and the FTPD, LUNA will support NAST-DISM in developing a Prime Minister's Decree to Implement the Intellectual Property Law and as possible, additional lower-level implementing regulations. This will aim to create a more consistent and extensive legal framework for IP enforcement given the parameters of the existing law. LUNA will provide legal comments and support workshops to advance drafting and to encourage input from stakeholders, in cooperation with other donors. Once this decree has been enacted, LUNA will support the development of a range of NAST implementing regulations.

**(Request by NAST-DISM)**

### **Activity 6.2: Support Accession to Intellectual Property Treaties**

As requested by FTPD and NAST, LUNA will support NAST, the Ministry of Foreign Affairs (MOFA), and the National Assembly in understanding the importance of acceding to IP treaties that support WTO accession and BTA implementation, including following up support provided in 2010 to advance the Berne Convention on copyrights. LUNA will provide an analysis of the changes in Lao

law that may be required to meet Berne Accession requirements and to join UPOV, the plant variety protection convention. Otherwise, there are no other specific activities planned at this time.

**(Request by NAST-DISM)**

### **Activity 6.3: Support to Upgrade the Patent Office's Capacity to Examine and Approve Patents**

As requested by NAST, LUNA will continue its support to the Patent Office to develop viable and sustainable processes for examining and issuing (or rejecting) patent applications and will help implement those processes through on-the-job training. The goal is for Laos to formally approve/reject several patents in 2011.

**(Request by NAST-DISM)**

### **Activity 6.4: Support Development of Stronger Legal Framework and Public Understanding for IP Border Measures**

At the request of FTPD, NAST-DISM and Customs, LUNA will support the three agencies to develop a stronger legal framework for border measures to limit the import of counterfeit and pirated products into Laos. Because most infringing products consumed in Laos are imported, a more effective approach to border controls is a critical part of an effective IP protection system and a WTO and BTA requirement. To promote such a system, LUNA will provide comments on draft regulations on border measures and support workshops to review regulations and enhance understanding of international and regional best practices as well as study tour to some neighboring countries. LUNA can also provide comments on draft revisions to the Customs Law with regard to IP border measures. As requested, LUNA may also provide training and support a study mission to build implementation and enforcement capabilities.

**(Request by FTPD, Customs and NAST-DISM – Customs is the lead agency)**

### **Activity 6.5: Support Capacity Building and Public Awareness to Enhance IP Enforcement**

At the request of NAST-DISM, LUNA will support an upgrading of internet and IT capabilities to enable the copyright and patent offices to communicate more effectively with stakeholders and to better access international data bases. To raise public awareness, LUNA may support the organization of an "Intellectual Property Day" and brochures and other outreach efforts. Outreach efforts for business will be coordinated with the LNCCI. LUNA will respond to additional requests over time.

**(Request by NAST-DISM)**

## **7. TRADE IN SERVICES**

**Activities Completed in 2010.** LUNA supported the MOJ to refine a draft Law on Lawyers, which is critical for increasing the quantity and quality of legal service provision in Laos and to meet requirements in the trade agreements. This included legal comments on the draft law and support for a workshop with 57 participants. LUNA also supported a study mission to Vietnam that included a focus on wholesale and retail distribution services, which included a tour of a Big C distribution

center in Ho Chi Minh City to understand how a large retail store purchases local and imported products and trains local staff.

### **Activity 7.1: Support the GATS Enquiry Point**

At the request of FTPD, LUNA will translate the enacted MOIC decision to establish a GATS enquiry point and provide additional support as needed. This support builds upon a GATS Briefing Paper provided in 2009.

**(Request by FTPD)**

### **Activity 7.2: Support Development and Implementation of an Effective Law on Lawyers**

As requested by the MOJ, LUNA will continue to work with the MOJ, National Assembly and FTPD to develop a modern Law on Lawyers that is compliant with requirements in the trade agreements and that facilitates the improvement of legal services, and as possible, support implementing regulations on a timely basis. This will involve legal comments and support for workshops/retreats to advance the draft law and encourage input by stakeholders, followed by comments and workshops as needed to develop draft implementing regulations.

**(Request by the MOJ and NA; MOJ is the lead agency)**

## **8. PUBLIC-PRIVATE DIALOGUE ON TRADE POLICY**

### **Activity 8.1: Support Productive Public-Private Dialogue on Trade Policy**

Closely linked with LUNA support for communication and public awareness programs to the FTPD and other government agencies noted in Activity 1.2, at the request of the Laos National Chamber of Commerce and Industry (and other business associations as possible), LUNA will help build the capacity to represent more effectively business interests in public-private policy dialogue on WTO and trade-related issues.

Building upon the findings of our policy options memo on enhancing public-private dialogue, LUNA will support a three pronged approach. First, LUNA will support the development of a law on laws that requires publication of draft and adopted laws and regulations, making it easier for stakeholders to access and comment on legal documents. Second, LUNA will support workshops with many agencies to review draft laws in regulations in the course of activities listed throughout this work plan, and workshops to raise awareness and understanding of legal/policy reform requirements in the WTO and other trade agreements. Lastly, LUNA will help accelerate the development of LNCCI's legal and policy division, which would build critical technical legal and policy analysis capacity for the LNCCI to upgrade the quality of its input on draft legislation.

At the request of the LNCCI, LUNA will:

- Support a half-time legal expert to help the LNCCI accelerate the development of its legal and policy analysis, with the aim that the division would be fully operational within two years.
- Support LNCCI (in cooperation with the FTPD) to organize workshops in provincial capitals and Vientiane Capital to raise the business community's awareness of WTO, ASEAN and trade policy issues and encourage business input to business-related reforms; and support the development of brochures, reference materials, and other media to raise public awareness.

**(Request by the LNCCI)**

# Appendix A. LUNA Technical Activities in 2010

Table A-1  
*Workshops and Seminars in 2010*

No.	Activity	BTA, WTO, AEC Relationship	Date	Counter-part(s)	Participants	Place
1	Workshop on <b>Public-Private Trade Policy Dialogue</b>	Transparency, Policy Dialogue	Jan. 28, 2010	MOIC	48	Vientiane Capital
2	Workshop on <b>Bern Convention on Copyrights</b>	IPR	Aug. 26, 2010	NAST	59	Vientiane Capital
3	Workshop on <b>SPS and TBT Enquiry and Notification Points</b>	Trade in Goods	Sept. 8-9, 2010	MOIC, MAF, MPH, NAST	68	Vientiane Capital
4	National Assembly <b>Intersession Programme</b>	Transparency, Public Awareness	Sept. 13–16, 2010	National Assembly	120	Thalat, Vientiane Province
5	Workshop on the draft <b>Law on Resolution of Economic Disputes and the Law on Lawyers</b>	BTA Article 10 and Trade in Services	Oct. 22, 2010	MOJ and National Assembly	57	Vientiane Capital
6	Technical workshop on the draft <b>Law on Resolution of Economic Disputes</b>	BTA Article 10	Dec. 2, 2010	MOJ and National Assembly	15	Vientiane Capital

Table A-2  
*Comments on Legal Reform in 2010*

No.	Activity	BTA, WTO, AEC Relationship	Date	Result	Counterpart(s)
1	<b>PM Decree on Notification and Enquiry of Trade-Related Information for SPS and TBT</b> (legal comments on draft)	Trade in goods	June 2010	Enacted into law no. 363/PM August 19, 2010	MOIC/FTPD
2	<b>Laos-US BTA Implementation Matrix</b> (comments to update)	BTA	July 2010		MOIC/FTPD
3	<b>SPS/TBT Checklist for WTO Accession</b> (comments to update)	Trade in goods	June and Oct 2010	On-going	MOIC/FTPD
4	<b>MOIC Decision on Notification Unit of Sanitary-Phytosanitary Measures and Technical Barriers to Trade</b> (comments on several drafts)	Trade in goods	Sept 2010	Enacted into law no.: 0471/MOIC, March 9, 2011	MOIC/FTPD
5	<b>PM Decree on Control of Prices of Commodities and Services</b> (legal comments on draft)	Trade in goods and services	Oct 2010	Enacted into law no. 474/PM, November 18, 2010	MOIC/FTPD
6	<b>Law on Lawyers</b> (legal comments on draft)	Trade in services	Oct 2010	Draft progressing	MOJ
7	<b>Revision to the Law on the Resolution of Economic Disputes</b> (legal comments on several drafts)	BTA Article 10	Oct and Dec 2010	Enacted into law in December 2010	MOJ/National Assembly
8	<b>Memo on Options to Upgrade Public-Private Dialogue on Trade/WTO Policy</b>	Transparency	Dec 2010	On-going	MOIC/FTPD
9	<b>PM Decree to Implement the Law on Standardization</b> (legal comments on several drafts)	Trade in goods	Nov 2010 and Dec 2010	Draft progressing	NAST/Standards

**Table A-3**  
*Study Missions in 2010*

No.	Activity	BTA, WTO, AEC Relationship	Date	Counterpart	Participants	Place
1	Study Mission to exchange views on Vietnam's BTA/WTO experience and on how Vietnam effectively utilized the USAID Star Project to support BTA implementation and WTO accession	BTA implementation, WTO accession	Feb 2010	MOIC	8	Hanoi, Vietnam
2	Study Mission to exchange views on price controls, distribution services, business registration and trading rights	Trade in goods and services	Dec 2010	MOIC	8	Hanoi and Ho Chi Minh City, Vietnam

**Table A-4**  
*Publications, Translations<sup>4</sup>, Capacity Building and Websites  
in 2010*

No.	Activity	BTA, WTO, AEC Relationship	Date	Counter- part	No. of Copies
1	Assessment of the Intellectual Property System in Laos	IPR	July 2010	NAST/IP Office	Back-ground report
2	Translation of the Decree on Fees and Service Charges from Lao to English (a very long and complicated decree)	Trade in goods	Aug 2010, final version submitted Mar 2011	MOIC/FTPD	
3	Upgrade communication capabilities of FTPD through higher internet capacity, server and other hardware, and FTPD website development	Trade capacity building, transparency	Throughout 2009/2010	MOIC/FTPD	
4	Development of manuals on marketing to five U.S. product sectors—agricultural, apparel, handicraft, silk, and wood products—translation into Lao, and publication and distribution in Lao and English.	Trade capacity building	2009 and 2010, publication in April 2011	MOIC/FTPD	5,000 (1,000 copies of each manual)
5	Reference report on the evolution of modernization of Vietnam’s commercial arbitration system	BTA, Article 10	Oct. 2010	MOJ	
6	Support establishment of a WTO and Trade Reference Room hosted by the FTPD (equipment purchase coordinated with other contributors)	Trade capacity building	Nov 2010	MOIC/FTPD	
7	Translation of UNCITRAL Model Law on Commercial Arbitration	BTA, Article 10	Dec. 2010	MOJ	

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<sup>4</sup> LUNA does many “working” translations of draft laws and regulations to support our legal comments and analysis. These translations are often done quickly and would typically require additional effort for broader and more formal distribution.

# Appendix B. Members of the LUNA Project Steering Committee

Name	Role on Project Steering Committee, Participating Organization
Mrs. Khemmani Pholsana	Chair of Steering Committee Vice Minister of Industry and Commerce (MOIC)
Mr. Bounsom Phommavihane	Vice-Chair of Steering Committee Director General of the Foreign Trade Policy Department, Ministry of Industry and Commerce (MOIC)
Mrs. Sisomboune Anouvong	Vice-Chair of Steering Committee Deputy Director General of International Cooperation, Ministry of Planning and Investment (MPI)
Mrs. Sisavanh Boupha	Deputy Director General of Department of Economics, Planning and Finance, National Assembly (NA)
Mr. Sisompheth Nhoibouakong	Deputy Director General of Intellectual Property, Standardization and Metrology, National Authority for Science and Technology (NAST)
Mr. Inthapanya Khievongphachanh	Deputy Director General of Legislation Department, Ministry of Justice (MOJ)
Mr. Somphan Chanphengxay	Deputy Director General of Planning Department, Ministry of Agriculture and Forestry (MAF)
Mr. Santipap Phomvihanh	Director General of Customs, Ministry of Finance (MOF)
Mr. Virasack Somphong	Deputy Director General of Economic Affairs, Ministry of Foreign Affairs (MOFA)
Mr. Khanthavong Dalavong	Secretary General, Lao National Chamber of Commerce and Industry (LNCCI)
To be determined	Director or Deputy Director, ODA Division, Foreign Trade Policy Department, (MOIC)
Mr. Santisouk Phounesavath	Head of Secretariat of Steering Committee Deputy Director of Multilateral Trade Policy Division, Foreign Trade Policy Department, Ministry of Industry and Commerce (MOIC)
Ms. Vilayphone Xindavong	Deputy Head of Secretariat of Steering Committee Technical Staff of Multilateral Trade Policy Division, Foreign Trade Policy Department, Ministry of Industry and Commerce (MOIC)

# Appendix C. Activity Timeline for 2011

(Included as a separate document)