

Reflections on Lao Civil Society

Kepa, March 2015

In this series of papers, Kepa publishes reflections on the state of civil society in the countries in which it operates (Thailand, Laos, Cambodia, Vietnam, Nicaragua, Mozambique and Tanzania). These reflections, based on Kepa's own work with its partners, member organisations and their partners in the country, provide an overview and highlight some current issues and developments in the role of civil society organisations.

Civil society consists of many different actors from small informal activist groups to big institutionalised organisations. In these reflections, civil society organisation (CSO) is used as an overall concept to cover all these actors. The term NGO is used only if it specifically refers to registered, institutionalised non-governmental organisations, while CBO stands for community-based organisation. INGO refers to international non-governmental organisations.

Kepa in Laos

In the countries of the Mekong region (Cambodia, Laos, Thailand, Vietnam), Kepa operates from a regional office based in Bangkok. Kepa Mekong forms partnerships with civil society actors to support them in influencing development policy processes in the region. Partnerships are linked to Kepa's key policy themes: development cooperation, global economic policies and climate justice.

There are few Laotian CSOs working on Kepa's policy themes. Thus the initial steps for partnerships with local CSOs have been modest. In 2010, Kepa supported a climate change seminar organised by the Poverty Reduction and Development Association (PORDEA) for CSOs and government officials. In October 2012, Kepa supported Lao Fairtrade Network's activities during the Asia-Europe People's Forum. In 2014, Kepa conducted a baseline study of Lao CSOs, interviewed numerous local organizations and international organizations, and produced a report analysing different options for organizations like Kepa to engage in the country. At present Kepa Mekong has no partner in Laos, but we continue to maintain communication with the network of CSOs we have established.

Historical background

Civil society in Laos can be regarded as nascent, because of its young existence, restricted capacity and limited diversity. The Lao government and Development Partners' understanding and awareness of the civil society's existence, roles and potential is also limited.

In Laos, these organisations are called non-profit associations (NPAs). The country's first Non-Profit Association (NPA) Decree was approved only in 2009. Prior to it, legal environment for civil society organization was largely non-existent. While the decree has made it possible for civil society associations to be recognized as legal entities, there remains no clear and predictable

means of registration. Many of what considered CSOs in the neighbouring countries have in fact chosen to portray themselves as a company providing social services, because it is much easier to obtain a registration status as such than as an NPA. Thus, it is almost impossible to estimate the number of CSOs in Laos. What we can say is, the number is the smallest in the Mekong region and the size of each organization is very small, with only a few full-time staff. Also, most of them operate only in a limited area and try to keep their profile low.

Apart from the number, Laotian CSOs are young and still building up experience and capacity, especially in governance and advocacy issues. Cooperation among NPAs is increasing, as witnessed by the establishment of the Learning House for Development in July 2010 in Vientiane. Learning House was established by a group of like-minded local and international CSOs who formed a task force to get it up and running. It receives support from the Swiss organisation Helvetas, the British charity CORD, Oxfam, and the French Embassy, who have agreed on joint reporting mechanism in line with good donor/aid effectiveness principles.

As for diversity, local CSOs range across all of the key Millennium Development Goals and across the country. Most CSOs are either service-oriented or community-based. There is only a handful or CSOs working on development-related issues. Critical CSOs doing advocacy and influencing government's policy are rare and often do so indirectly such as through INGOs or CSOs in neighbouring countries.

In October 2012, a group of about 20 Lao NPAs and a dozen or so communist party mass organizations and all major Laos-based international NGOs made a major effort by organizing the 9th Asia Europe People's Forum (AEPF) in Vientiane, together with AEPF's International Organizing Committee and the Institute for Foreign Affairs. Of the 18 organisation in the National Organizing Committee's (NOC), 9 were NPAs/INGOs and the rest were governmental (communist party) organisations. Some 10 or more NPAs were involved in the subcommittees of the NOC. More about the AEPF in the section below on current issues.

Main actors in Lao civil society

There is a varied group of informally operating interest groups ranging from savings and credit associations, local handicraft groups, and commodity-based farmer groups to youth groups. These groups are generally only registered with district level authorities. There are few cooperatives, but the situation has changed since the approval of the Decree on Cooperatives in 2010 (No 136/PM 2010). Charitable foundations, often initiated by influential politicians or business people, form a special category in civil society. Also, the number of formal service-oriented NPAs is growing at provincial level. The NPA Network, which since 2009 acted as an informal network for a few Lao CSOs, merged with the Learning House for Development (LHD).

Learning House aims to be a place for the exchange of experiences, joint learning and networking. It provides the physical space and NPA Network is a communication tool/channel for events and opportunities being organized at the Learning House and other related to CSO in Laos. Learning House now acts as a key mechanism and the self identified need among and between NPAs; with INGOs facilitating but increasingly in response to invitation from LHD. Unlike before, the

network membership is open and inclusive.

On Kepa's policy themes, there has been some discussion on foreign investments, especially related to land conflicts (mines and plantations) and to dam construction. Development financing and aid effectiveness issues have been mostly followed by some CSOs, mainly INGOs. Climate change has been discussed increasingly, as Laos is now a UN-REDD+ member, but the discussion is rather on community-based adaptation solution and less on influencing climate-related policy of the government.

Government-civil society relations

The donor community inside and outside Laos enthusiastically welcomed the Decree on Associations (number 115), approved by the Prime Minister's office in April 2009. As a result, donor interest in supporting civil society has increased rapidly. However, the registration process for NPAs is rather bureaucratic, invasive and complicated.

The decree reflects the view of the Lao government that civil society has a role to play in the country's development, but civil society should play this role under the government's control and in line with government policies and goals. Moreover, the decree states that NPAs should not be in conflict with 'the constitution, law, or good traditions' of the country and ought to contribute to socio-economic development and poverty eradication.

In the NPA registration process, the Ministry of Home Affairs (MoHA) administers applications. The registration process is slow. By November 2012, MoHA has received total 100 applications; 35 NPAs have been fully registered; 15 has got temporary license; 25 approved for establishing mobilizing committee, and 25 NPAs are still in the process of consideration (need comments and feedback from MOHA or need to improve their documentations or internal regulations etc.). NPAs who are registered at the national level are free to operate in any province. In provinces, so far there are 70 fully approved NPAs. Those NPAs registered at the provincial level, can operate in their province only.

The government accepts that CSOs have a role in service delivery in close collaboration with the state. The presence of CSOs on the ground is recognized, and the government expects efficient and inclusive service delivery, but also the downward accountability of CSOs. This poses emerging challenges to development focused associations in regard to assuring their fair and equal inclusion in meetings, consultations and recognition by government.

Donors (both INGOs and bilateral donors) expect Lao civil society to take up a broader and more diversified role beyond service delivery. Their general rationale for supporting civil society is the need for an improvement in governance and the promotion of a plurality of voices in Lao society.

State-controlled mass organisations, such as the Farmer's Union and the Women's Union welcome the "new" civil society and stress the potential for synergy and complementarity. Civil society can bring in new knowledge and ideas, and mass organisations have the networks necessary to ensure the dissemination of information and the scaling-up of activities. As part of the AEPF preparations, Gender and Development Group initiated and successfully demonstrated ground breaking cross-

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country participatory consultations in all 17 provinces in cooperation with mass organisations.

Civil society actors want to follow their own course in their relationship with the government. NPAs position themselves as professional development organisations functioning as catalysts and innovators in service delivery and soft advocacy (i.e. non-confrontational advocacy in the one-party context). Some existing associations, such as the Participatory Development Training Centre (PADETC), and the Lao Biodiversity Association (LBA), are able to do innovative work because of strong ties with the state agencies.

NPAs and INGOs jointly prepared and coordinated the CSO statements for the November 2012 Round Table Implementation Meeting (RTIM) between the Lao Government and Development Partners. A few NPAs also participated the RTIM, although the selection process of the NPAs and INGOs remained under the control of MoHA and MoFA respectively.

In their statement to RTIM, the CSOs reiterated the need to give people a change for meaningful participation in development. They raised the sentence from the National Growth and Poverty Eradication Strategy (NGPES): “Conditions must be enhanced in such a way as to enable people to organise themselves and to improve their livelihoods according to their own initiatives and visions of the future”.

Current Issues and Latest Developments

As the country’s rich natural resources increasingly attract foreign investors, conflicts arise, because the same natural resources – land, forests, and water – are essential to the livelihood of rural communities. Civil society is advocating for a more balanced sharing of the profits derived from the exploitation of natural resources. CSOs are helping local communities to have their voices heard and their interests taken into account. Especially land and forest issues have been high on the agenda.

The Land Issues Working Group (LIWG), a network of more than 40 organisations (international and local) is a co-chair of the new Sub-sector Working Group (SWGs) on land together with the Ministry of Natural Resources and Environment (MoNRE). Lao CSOs nonetheless reported that in reality their voice is very small in the SWGs. They are often being lectured with pre-defined decisions or conclusions and their recommendations are often ignored, or only verbally acknowledged with no action. SWGs are nevertheless a promising mechanism for the civil society to continue to monitor development agenda in the country and speak up for themselves.

There is an on-going debate about REDD+ (Reducing Emissions from Deforestation and forest Degradation) and its pros and cons among CSOs. LIWG and organisation called MicMac have co-organized training and open debates on the issue. CSOs (through LIWG) have also been participating more in contributing to revisions of key Natural Resource Management policies under review and building cooperative links with key National Assembly members.

However, it has been very difficult to do advocacy on the impacts of hydropower dams on the Mekong and its tributaries or to raise these issues into public discussion in Laos, while the Xayaburi dam has received major critique on regional and international level. However, Helvetas

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co-organized in September 2012 first ever open dialogue workshop on Hydro power with MoNRE and co-organized during the AEPF a session on Sustainable Energy and Hydro-power in October 2012. The Lao Water Resources Network (LWRN), which was established in 2010 by both international and Lao civil society groups, has regrouped and re-strategized to focus more on community/grass roots level.

Asia Europe People's forum (AEPF) and Post-AEPF trauma

In 2012, Vientiane the capital city of Laos was selected to be the venue for the 9th Asia Europe People's Forum (AEPF9). AEPF was a very significant point in the recent development of Lao civil society. For the first time in its history the Lao government opened up the country to welcome this scale of inter-continental civil society assembly. Lao civil society, having been historically low profile in international civil society platforms, was thrilled in the knowledge that its country would host AEPF, the biggest inter-continental summit of non-governmental organizations and social movements across Asia and Europe and the only continuing platform linking civil societies in the two continents.

A series of preparation events leading to the AEPF was planned out by the enthusiastic Lao National Organizing Committee (NOC) together with the long-experienced International Organizing Committee (NOC). The transfer of technical capacity, resources and experiences into Lao civil society during the whole process was invaluable. All across the country 17 provincial level consultations were held bringing together a wide range of civil society, citizen groups and mass organizations from all sectors and jointly contributing to the development of Lao People's Vision Statement which speaks the aspirations and visions of the Lao people. AEPF9 was a remarkable achievement for the AEPF itself in its 9th year, but the more overtly significant milestone was in the history of Lao PDR, traditionally known for nascent civil society. The space was widening; the visibility and legitimacy of Lao CSOs were increasing.

Lao civil society celebrated this historic moment with fellow Asian and European civil societies in the climax of AEPF with joy. Oxfam, one of the leading INGOs in Laos, issued a press release: "It is an indication of the new level of openness and confidence of the Lao government at central and local level to work with different actors in order to reach out and give voice to the Lao citizenry."

The AEPF9 which took place from 16 to 19 October 2012 was hoped to mark a new era of Lao civil society. However, everything turned upside down only a month after. The omen was emerging right in the AEPF. The participants especially the Lao groups were concerned that the government had sent excessive number of its people – some undercover and in disguise – to the event and they disturbed various discussions and workshops. Another omen was the fact that the Lao People's Vision was unable to really finalize and its distribution was restricted by the government's people during the AEPF9 itself.

But two most shocking incidents were in December. On 7 December 2012 the Country Director of Helvetas Laos, a Swiss INGO, was ordered to leave the country within 48 hours, and a week later on 15 December 2012 a well-respected key figure in Lao civil society, the former director of PADETC, disappeared and has not been seen since. Cases of threat and harassment also happened

to a number of other activists. People were put into insecurity and fear and Lao civil society in effect relapsed to an even worse state than prior to AEPF. The trust between government and civil society receded.

In the past two years, the government has enforced more restriction and control on the participation of civil society in Round Table Meetings and other venues. The registration of non-profit associations (NPAs) has been more difficult with a very few new successful registrations since. The government is now revising the existing NPA decree which seems to be an attempt of the government to reinforce the control even more. The government maintains absolute control over the press. Even local journalists complain about the difficulty in getting hold of information and the impenetrability of government departments. Freedom House wrote in its Freedom of the Press Report 2013: “Press freedom in Laos remains highly restricted. Despite advances in telecommunications infrastructure, government control of all print and broadcast news prevents the development of a vibrant, independent press” (reference: <http://www.freedomhouse.org/report/freedom-press/2013/laos>).

Meanwhile, the AEPF incidents have left Lao civil society in trauma. Critical CSOs emerging during the period leading to the AEPF have either closed down or significantly diluted their work. Civil society workers now feel insecure when they speak of issues that differ from or critical of the government. Don Sahong Dam is a good example. A journalist from Asian Correspondent was perplexed finding out that most the villagers living just a few kilometers from the project site claimed that they do not know about the project and none spoke anything against the dam, although a government survey showed 60 percent of the people in the 4,000 Island region were in favor of the dam

There have been occasional attempts to speak up against the government in public, but none ended well. A recent instance was a radio host who was criticizing land issues in the country. The radio station was shut soon after, for allegedly failing to pay airtime fee. (Asian Correspondent. Retrieved 8 May 2014. Accessed from: asiancorrespondent.com/116798/dam-dilemmas-laos-cashes-in-on-hydro)

Funding for Civil Society Actors

There are three principal mechanisms through which donors provide financial support to civil society actors in Laos: i) direct support to individual or umbrella organisations; ii) via local governments; and iii) via intermediaries, mostly INGOs.

Lao CSOs are concerned of the centralization of funding towards larger, more professional and often urban-based civil society organisations – particularly where there is competition for funding. Almost all CSOs list financial continuity and sustainable access to necessary funds as their top challenges. The insecurity about sufficient financial means in the medium and long-term has an adverse effect on their capacity to strive for a vision for the longer term, their resilience against the capture of their agenda by outsiders (i.e. donors), and on their human resources.

On the other hand, several donor organisations have expressed their interest in supporting civil

society development in Laos through CSOs. These donors include a broad and growing range of resident and non-resident INGOs and bilateral organisations (Swedish International Development Agency SIDA, Swiss Agency for Development and Cooperation SDC, German Gesellschaft für Internationale Zusammenarbeit GIZ, and the Australian and French Embassies), the UN family (UNICEF, the UNDP) and the World Bank. Apparently there is a mismatch between needs and available resources.

There are good reasons for donors to want proof of aid effectiveness. Both the donor agencies' response to the Paris declaration and discussions on national poverty reduction programmes (like the National Socio-Economic Development Plan) are giving national governments control over development funding.

Even funding instruments targeting civil society like the EC facility for non-state actors (15 million dollars annually), they remain largely inaccessible for Lao CSOs. They have expressed their frustration with the requirements, stressing that unless these are customized for the Lao context they are unable to apply for them. Other donor funds are also largely inaccessible due to complicated application processes.

The NPA decree clearly states that registered NPAs can receive money directly from national and international funders. It also states that unincorporated NPAs (meaning not registered under decree 115) are recognized and promoted by the Government as long as these follow laws/regulations. In general, the donor requirements/criteria for registration not to mention application procedures are counterproductive; there is a Lao CSO statement on Aid and Development Effectiveness that speaks of the challenges faced by local CSO and makes concrete requests/ recommendations to the Government and Development Partners.

For CSOs, funding should ideally be available locally from institutions that understand the local context and that work in close partnership with local CSOs. This funding should be available quickly and flexibly with a minimum of conditions. According to the INGO Network coordinator, the current funding offered by the McKnight Foundation, German Agro Action, Bread for the World, and Oxfam Novib to individual NPAs comes close to this. Particularly, Novib and the German organisation Bread for the World directly finance a broad range of local NPAs, including some in remote provinces.

Role of INGOs

A number of INGOs actively support Lao CSOs to set up and strengthen their own networks (especially the Learning House for Development). A consortium comprising eight INGOs, the INGO Network, and PADETC is promoting more coordinated and equitable and reliable partnerships between all CSOs. Since its launch in May 2012, the Consortium Working group has also been established 'replacing' what was the Civil Society Working Group. The working group affords greater and broader informal stakeholder outreach and participation as a bridge for eventual more formal engagement in the Consortium framework.

The consortium feels that a coordinated joint approach is essential to ensure that:

- support is also available for CSOs outside of Vientiane
- giving excessive funding for the few well-established CSOs is avoided
- Lao CSOs are able to set their own agendas
- efforts are not duplicated.

The INGOs have also been lobbying through the INGO Network for the inclusion of the CSOs in the official coordination mechanisms of the government. The results have been increasingly positive with many of the Sector Working Groups (SWGs) having been chaired by INGOs (e.g. Oxfam, GIZ, Helvetas, SNV, CARE, etc.) and local CSOs (e.g. Lao NPA Network, LBA, ACTD, CLICK, etc.). However, Lao CSOs reported that their voice is still rather small and their presence sometimes has been used by the government to legitimize the pre-destined decision.

There is a growing number of capacity development service providers active in Laos – INGOs, donor agencies, and private enterprises. However, the majority are based in Vientiane, and their services are often too costly for civil society actors, particularly for those in the provinces. The Dutch SNV has been working on strengthening the capacity of local capacity building organisations and, at the same time, advocating the use of local capacity building providers. CORD is also providing capacity development services to NPAs, supporting organizational strengthening processes, working both in and outside of Vientiane.

Many donor organisations engage in research activities in Laos. Foreign academic institutes conduct research that is relevant for development in Laos, sometimes in collaboration with national research institutes. Some local civil society organisations, including INGOs, engage in applied research. Their presence at the grassroots level and their established relations with often remote and/or marginalized communities allow them to conduct highly participatory research which integrates the voices and interests of citizens in remote places. The results of this kind of research can feed dialogue on sensitive issues, and can be used as instruments in influencing decision-making and policy formulation and implementation.

This is an area that both INGOs and NPAs have identified capacity needs to be built for more evidence-based advocacy and ability to demonstrate civil society effectiveness and value added as partners in development; there are some preliminary plans for case study training and exchanges in 2013. Some training around strategic communication; advocacy and social media have also already been organized.

Finnish CSOs working in Laos

Four Finnish CSOs and two foundations support local partners and are active in Laos. They work on rural development, health, and education. Abilis Foundation has one project in Laos and Siemenpuu Foundation supports a regional program Mekong Energy and Ecology Network MEE Net with 45 members in six Mekong countries. The Lao partners are in the table below. Also, the

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University of Helsinki and University of Turku/Finland Future Research Centre have each an IDI project in Laos.

Name of Finnish CSO	Name of partners	Number of projects	Sector of Work
FIDA International	Assemblies of God, Ministry of Education	3	Multi-sectoral support village development, education
Frikyrkliga Samverkan	Life improvement, Foundation of Children and Poor	1	Vocational education
Plan Finland	Plan Laos	1	Education
Finnish Evangelic Lutheran Mission	AAT – Thailand	1	Repatriation of victims of human trafficking
Siemenpuu Foundation	MEE Net program partners Helvetas Laos, GDA, CLICK	1	Sustainable energy policy
ABILIS Foundation	Lao Disabled Peoples Association, Lao coordinator	1	Expansion of LDPA

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