CIVIL SOCIETY ANALYSIS (SUMMARY)

1. Civil society refers to groups distinct from the government and the private sector who operate around shared interests, purposes and values. Of particular relevance to ADB are nongovernment organizations (NGOs), community based organizations and people’s organizations, foundations, professional associations, private research institutes and universities, labor unions, mass organizations, social movements, and coalitions/networks of CSOs and umbrella organization.1 These different types of groups together are known as Civil Society Organizations (CSOs). ADB sees CSOs as development actors in their own right whose efforts complement those of governments and the private sector, and who play a significant role in development in the Asia Pacific region. ADB has a long tradition of interacting with CSOs in different contexts, through policy- and country strategy-level consultation, and involvement in implementing and monitoring projects.

2. It is difficult to establish the state of Lao civil society before 1975. Between the establishment of the Lao PDR and 1986, only three International NGOs (INGOs) were allowed to operate in Lao PDR – Mennonite Central Committee, American Friends Service Committee and Save the Children Fund UK.2 These organizations provided humanitarian and development services in restricted geographical areas, and under other operational limitations including on hiring local staff. After the adoption of the New Economic Mechanism in 1986 gradually more international NGOs gained permission to operate in Lao PDR, mostly working in community development and service delivery.

3. While the right of association has existed since the promulgation of the Constitution in 1991 (Article 44), only a few independent local organizations were active up to the 2009 legal changes (see below). These groups generally existed under ad hoc arrangements including being registered as companies or training institutes, or through arrangements with specific ministries. Many development functions that would be the work of CSOs in other contexts were fulfilled by the mass organizations, such as the Lao Front for National Construction, a party-sponsored socio-political structure that was founded in 1979. Its tasks include social mobilization and to extend government and party work through Lao society and all ethnic groups. It also oversees and coordinates the other Mass Organizations (see below).

4. The role of civil society in Lao development, while being supported at the broad policy level, is still being defined and collaboration and implementation mechanisms are only at a very early stage of development.3 CSOs in Laos generally work to implement, not challenge, government policy, although in recent years some international advocacy groups have started to monitor developments in Lao PDR from outside the country.

5. There are currently about 160 international NGOs operating in Laos; about 75 of these are members of the International NGO Network (INGO Network). INGOs with offices in Laos are almost without exception focused on delivering development programs in sectors such as agriculture and rural development, health, natural resource management, environment, education, explosive remnants of war and gender. In recent years INGOs have also begun to organize to influence development policy, especially through the Round Table national planning mechanism.

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6. Independent Lao CSOs are at an early stage of development, but growing. In April 2009, the Prime Minister signed the Decree on Associations, allowing for central registration of local associations for the first time. It requires all organizations to re-register under the new scheme. According to a 2009 study, there were only about 20 experienced NPAs capable of handling small grants funds. By the end of 2010, the number of organizations applying for registration under the new decree had reached 80, suggesting that many Lao citizens had been interested in being involved in CSOs, but were waiting for the political and legal environment to change. However, like in many other countries in the region, Lao civil society retains close links to government and emphasizes personal ties.

7. Lao mass organizations continue to fulfill many civil society roles. As in neighboring countries, there is controversy over whether mass organizations can be considered civil society, as their primary accountability is to the state, not their members. However, some mass organizations play a very active role in development at the sub national and national levels, including through providing training and capacity development, organizing community-based activities, and acting as facilitators for development partners in rural areas. Mass organizations are characterized by strong vertical networks, most having a representative in each village in Lao PDR linked to the district, provincial and national levels. The main mass organizations include the Lao Front for National Construction, the Lao Women’s Union, the Lao Federation of Trade Unions and the Lao People’s Revolutionary Youth Union.

8. Civil society’s formal relationship with government is evolving. While CSOs are not officially represented in the formal donor partnership mechanisms, the Round Table Process (RTP), or in the sector working groups associated with the RTP, INGOs have had greater success in working through donors in these fora, but NPAs are as yet silent in formal development coordination. There is a lack of understanding of why government, particularly at local levels, would accept NGOs as competitors for limited donor funding.

9. Uncertainty about the role of civil society also has implications for the ability of CSOs to mobilize projects. Because CSO activities are welcome but only when in line with government policy and under the control or supervision of government agencies, INGOs face confusion about their roles and mandate within the Lao system. For example, many INGOs have strong technical relationships with line agencies and provincial and district governments, but there is still a level of wariness within government. INGOs are in some circumstances treated as donors, but at other times as civil society actors. The impact of this, according to some INGOs, is that project approvals and decisions can take a long time, as the relevant government actors are not sure how to classify INGO assistance.

10. Despite difficulties, there are several examples of successful government-civil society cooperation in ADB projects in Lao PDR (see below), mostly through the Greater Mekong Subregion (GMS) program. It may be that the regional, transboundary nature of the GMS program has provided a good environment for leveraging regional experience with CSOs into new ways of working with the government of Lao PDR.

11. In some sectors, as well, there is strong government support for community participation-based CSOs such as Village Education Development Committees. These CBOs

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4 Education Development Centre, ‘Feasibility of Various Responses and Interventions to Build Capacity of Civil Society in the Lao PDR’, SDC Laos, 2009
5 According to an interview with staff of the Public Administration and Civil Service Authority, Vientiane, October 2010
6 Delnoiye/SDC 2010, p42
are a policy of the Ministry of Education, and their role is envisaged to cover a very active citizenship and involvement in increasing the quality of education and community support for educating children.

13. There are two key Prime Ministerial Decrees that regulate civil society activity in Laos, both recently promulgated. The Decree on Associations (Decree 115) is new and signals a policy change from government that local civil society has a place in the development process, while INGO Decree (Decree 13) is a revision of a previous decree.

14. The INGO Network was established in January 2005 and is funded entirely from membership fees. The INGO Network has 75 members and maintains a comprehensive online directory of INGO members and their projects. The INGO Network promotes the interests of, coordinates and provides services to its members, to enhance their contribution to the development of Lao PDR. The INGO network website includes a current list of sector working groups and their contact people.

15. The Lao NPA-Network (LNN) is an informal network of Non-Profit Associations (NPAs) involved in development work in the Lao PDR which has been legally registered under several government agencies, such as the Lao Front for National Construction (LFNC), and the Lao Union of Science and Engineering Associations (LUSEA). The LNN was set up in early March 2009, with the objective of sharing information and promoting effective and efficient work practices. The LNN maintains a website and an office in Vientiane:

16. Gender and Development Group (GDG) is a well-known local network of organizations working on gender issues. It has been operational since 1991 (when it was known as Women in Development) under the umbrella of various hosting organizations. While GDG’s main role remains in building networks and capacity of NGO staff on gender issues, it also offers consultancy and training services to other organizations, including government agencies.

17. Lao civil society has not yet developed self-governance standards or mechanisms. Registration requirements for INGOs and NPAs cover some minimum standards for operation, although these may be more targeted at controlling CSO activities than promoting good civil society governance. For NPAs this includes having a board that meets at least once a year, officers, regular reports and work plans. INGOs require permits for operation, including to hire staff, open offices and begin projects.

18. In recent years local NPAs have begun to access funding sources within Laos through various donor small grants mechanisms. The European Commission, UN Agencies, World Bank and several bilateral donors have begun to offer small grants to local organizations working on poverty alleviation projects within Laos.

19. Several INGOs have accumulated valuable experience over decades working in the unique Lao socio-political environment, particularly in participatory community development. Staff members in some of the more established NGOs have linguistic and cultural resources and ways of working with isolated and very poor communities that are unavailable elsewhere. For this reason INGOs can make very appealing partners in the preparation, monitoring and delivery projects. INGOs in Laos have limited experience with ADB systems and processes, and adequate time and resources must be dedicated to any partnership to ensure that the experience is positive, and successes are replicable in future. Government partners may also be unfamiliar with NGOs and the reasons why it may be desirable to include them as project partners.
20. NPAs are at an early stage in development in Laos, and most find their capacities stretched applying for and administering small grants up to $10,000. There are some exceptions to this rule, in organizations that have been operational for a long period of time through other legal avenues such as registering as a non-profit business (for example, Sunlabob, a sustainable energy group), or as a ‘graduated’ project of an INGO (for example the UXO-survivor assistance group, COPE). There are no examples of local NPAs playing a formal role in ADB projects so far. Working with NPAs should take into consideration both the newness of civil society in Laos and unfamiliarity of the concept to government partners, and potential capacity issues in conforming to ADB’s processes.

21. The INGO network maintains an online database of NGO members and their projects. This is available at www.directoryofngos.org. Outside of Vientiane, provincial and district authorities can assist with identifying formal INGO projects in their areas. NPAs are less visible and are usually contacted through personal connections, although the LNN may be able to assist in identifying groups working in specific sectors or locations.

References and Endnotes


