
LEARNING TO SEEK AND ACCESS SPACE – CIVIL SOCIETY IN THE MAKING

Lao PDR: Learning House for Development (LHD), Support to Civil Society (SCS)



A community Day in session, which discusses various problems being faced by the community

Agnieszka Kroskowska, Nithsa Vongphanakhone (Key Informants)

Joy Elamon (Case Study)

New Delhi, August 2012

Table of contents

Executive Summary.....	3
1. Background.....	3
2. Context and Power Analysis.....	4
3. Participation / Accountability Mechanism(s).....	5
4. Analysis and Main Lessons Learnt.....	7
5. Concluding Remarks.....	8
6. References.....	10

List of Abbreviations

AEPF	Asia Europe People's Forum
CSO	Civil Society Organisation
GoL	Government of Lao
INGO	International Non Governmental Organisation
LHD	Learning House for Development
LPRP	Lao People's Revolutionary Party
MDG	Millennium Development Goals
MoHA	Ministry of Home Affairs
NPA	Non Profit Association
PDR	People's Democratic Republic
SCS	Support to Civil Society programme
SDC	Swiss Agency for Development and Cooperation
UNDP	United Nations Development Programme

Executive Summary

Laos has one of the most constrained civil societies in the world with very limited space for citizen engagement and participation. Recently, a gradual opening up of this space is taking place, as the Government of Lao (GoL) is starting to acknowledge the need for citizen participation and the contribution civil actors can make towards achieving the Millennium Development Goals (MDGs). HELVETAS Swiss Intercooperation built on this potential by launching the initiative Learning House for Development (LHD) and implementing the newly launched project on Support to Civil Society (SCS) funded by the Swiss Agency for Development and Cooperation (SDC).

Ensuring participation and accountability in a country characterised by single party rule and democratic centralism is a challenge. This is compounded by the fact that the civil society is weak, and that visible and invisible powers are operating through the party hierarchy and closed spaces at all levels. The **Learning House for Development (LHD)** has been trying to address this through sustained and slow facilitation of a process of strengthening civil society organisations by providing a space for learning, training and knowledge sharing. In order to develop a culture of good governance practices, the internal system of the LHD follows principles of good governance – including inclusive participation and downward accountability. The aim of the newly launched **Support to Civil Society (SCS)** project is to support civil society organisations on the one hand, and the Ministry of Home Affairs on the other, e.g. by building its capacities for implementing the Decree on civil society organisations.

In the context of Laos, a patient, sustained and long term commitment is required to ensure participation and downward accountability at the national and local levels. The initiatives presented in this case study have initiated this process and the results are encouraging. So far, key lessons learnt are that strategies to ensure participation, accountability and local democracy must be context-specific, should be implemented with a large timeframe, sufficient resources and given space to evolve. Experience has also shown that formal and informal alliances and numbers, i.e. reaching a critical mass matter a lot.

1. Background

During the last two decades, the war-torn and highly centralised Lao PDR has been moving towards market economy. It has one of the most constrained civil societies in the world with very limited space for citizen engagement and participation. However, a gradual opening up of this space is taking place, as the Government of Lao (GoL) is starting to acknowledge the need for citizen participation and the potential contribution civil actors can make to realise the Millennium Development Goals (MDGs).

Conscious of the opportunities of this gradual opening of spaces and considering the unenthusiastic attitude of the general population towards governance, politics and civil society actions, some development actors took the initiative to strengthen civil society engagement. For example, the **Learning House for Development (LHD)** was established in 2010 by HELVETAS Swiss Intercooperation and in 2012 a project called **Support to Civil Society (SCS)** was launched by the Swiss Agency for Development and Cooperation (SDC). The former is an initiative which began spontaneously in response to the emerging opportunity and the identified need for promoting an enabling environment for local civil society actors. The latter is a recently launched project and follows two main threads. First, SDC contributes to a multi-stakeholder civil society initiative implemented by the Civil Society Consortium and composed of nine locally active international and local NGOs. Second, it co-funds a project led by the United Nations Development Programme (UNDP) which supports to the Ministry of Home Affairs in creating and improving the enabling environment for civil society.

The overall goal of the Learning House for Development is to contribute to the creation of an enabling environment in which non-profit associations (NPA) of Lao and other civil society groups

can effectively contribute to inclusive and sustainable development of the country, poverty reduction, as well as play an active role in socio-economic development. The overall aim of the Support to Civil Society project is twofold. On the one hand, to strengthen Civil Society Organisations so that Lao citizens can rely on them to respond to their concerns and demands, and on the other hand, to make the government more responsive, effective and transparent in its action towards the reduction of poverty and marginalisation.

In an environment where there is still a long way to go for stronger civil society involvement, improved accountability mechanisms and empowered participation of the citizens in the development and governance processes at all levels, it is useful to consider these mutually reinforcing and complementary initiatives to learn.

2. Context and Power Analysis

Laos has a single party system which is monopolised by the Lao People's Revolutionary Party (LPRP) that came to power through a revolution in 1975. The principle of governance within the party and thus to the entire governance system in the country is based on democratic centralism where party members take part in policy discussions and elections at all levels, but follow decisions made at higher levels. Since the party has the monopoly, it has permeated to all levels and institutions of governance like the different tiers of government, administration, military and various other institutions and organisations.

The country can be considered as a one party state in transition. Economic liberalisation which started in 1979 and has accelerated since 1986 has shown signs of impacts, e.g. impressive economic growth and related progress in achieving the MDG goals. Lao has one of the most constrained civil societies, which is also in transition. For example, the Government of Lao is a signatory to the Paris Declaration and the Accra Agenda for Action. These commitments were acted on by passing a Decree on Associations relating to Civil Society Organisations (CSOs). This Decree is expected to provide space (though restricted) to CSOs to engage in public affairs - previously, this capacity was limited to party mass organisations as they were the only accepted and legitimate civil society institutions. According to the Decree, the Ministry of Home Affairs (MoHA) has the lead in registering and monitoring all non-profit associations. Though this has the element of power vested with the government agencies over civil society organisations, it is a paradigm shift in attitude towards the concept of civil society, i.e. now there is a formal acknowledgement and legitimisation of the existence of the latter.

The importance of local governance in Laos has always been dependant on the fluctuations of the national government's decentralisation policy. This policy was characterised by a back and forth between decentralisation and centralisation – currently the country is at a decentralisation stage. Since the late 1990s and early 2000s, considerable power has been transferred to the provinces, but accountability mechanisms have not yet been defined. This is all the more critical considering the fact that the system had been highly centralised and provinces and districts have limited capacities, competences and resources. Decentralisation should be understood in the context of a one-party rule, i.e. it is not based on the principles of democratic decentralisation and the local governments are not elected. Nevertheless, the Decree on CSOs and a few other actions by the national government provide space for seeking accountability and participation, despite these restrictions.

At the national level, the spaces for civil society to engage with the government regarding political liberties are non-existent, even though having such spaces is becoming increasingly important in the lives of the population due to the economic liberalisation where large scale investment project decisions are threatening the lives, livelihoods and housing situation of the people. There are no mechanisms for citizens to participate in decision-making, neither at the national nor local levels. Redress mechanisms are also very weak, non-existent in practice or governed by the single party democratic centralism, where decisions made at the higher level are not questioned.

As is very clear, spaces are very much closed at the national level. Even while the Decree on civil society organizations is in vogue, overall governance system at the national level is controlled by the monopoly party in power. The power is very much visible as the party in power maintains the principle of democratic centralism. Even in cases where they provide spaces, it is the invisible power in force as finally the national government decides what civil society can discuss and be engaged in. Moreover, the weak civil society in Laos does not have the capacity to utilize the available spaces or create one. At the local level, there are provisions for redress through round table meetings at the village level. It could be considered as an invited space but the issue of hidden power is a barrier due to the omnipresence of the party and the absence of a democratic space. Three types of power affect decentralized governance: (i) Visible power of the national government as the various levels of governance are appointed by them, (ii) invisible power of the party guidelines and (iii) hidden power of the party hierarchy.

3. Participation / Accountability Mechanism(s)

The Learning House for Development was a spontaneous initiative in response to an emerging opportunity and needs. The initiative itself is a space for participation, which implies that it has to ensure inclusive participation and accountability mechanisms within. Thus the LHD ensures good standards in gender and social inclusion through a gender balanced and socially representative steering committee. It insists on participatory decision making and feedback mechanisms, i.e. emphasises the need for a culture of participation and accountability in all areas of governance. It also supports the participation of elected civil society representatives in various exchange fora at the national and international levels. Multi-stakeholder debriefings and exchanges are organised for all relevant stakeholders, including government representatives and local villagers. The LHD also hosts the monthly Asia Europe People's Forum (AEPF) which brings together the National Organising Committee members¹ and others from the government, mass organisations and civil society. To obtain outcomes, it is important to be consistent, resilient and accept that continuous negotiation is required to achieve satisfactory outcomes. Short term responsiveness to emerging opportunities, combined with a long term vision are key. Some concrete steps which have helped ensure participation and accountability are: identifying the common interest of both the majority and the minority and the introduction of downward accountability mechanisms such as monthly user / member meetings and budget presentations. The LHD tries to raise concerns and proposes ways to ensure community voices are heard. The local non-profit association (NPA) / CSO together with various mass organisation partners at provincial level carry out participatory consultations with communities including farmers, representatives of different ethnic groups, women, the elderly, youth, monks, people living with HIV/AIDS and others. Case studies and interactive videos are used as useful advocacy and dialogue tools.

As part of empowering the CSOs, specific activities were organized. This includes the preparation of a directory of CSOs, interactions with donor agencies, and many thematic workshops like Land Policy information session, Sayaboury Dam information session, REDD+ information session, Aid Effectiveness Framework orientation sessions, and Civil Society Consortium program consultation workshops. LHD also provides library and incubator services. In addition, it facilitates the partner organizations to implement and fund specific network projects (ex: joint exposure field visits to network member target areas and joint training courses (Information technology, English language, Governance and board development, accounting and financial management, proposal writing and reporting; Advocacy etc.). These enable them to participate effectively in the available spaces. For example, the local gender focused CSO partner was able to facilitate a multi-stakeholder consultation around land policy leading to communal land titling officially recognized by local authorities. In the same way, the local partners facilitated inclusive and participatory multi-

¹ The National Organising Committee is responsible for organising the Lao people's input to the AEPF

stakeholder consultations whereby local government partners were exposed to ways of engaging with communities in decision making and planning processes.

The Support to Civil Society project is not yet fully operational. In order to ensure participation and accountability, the strategy is to foster a multi-donor approach where INGOs, NGOs and local governments define an agenda or work plan together. A specific component is earmarked to support civil society organisations to organise themselves and engage more effectively in agenda setting and key policy forums at local, national and global level. The project also has a component to support the Ministry of Home Affairs, i.e. to make it more capable and responsive in the registration of CSOs. The third component specifically aims at improving coordination, information and knowledge management as well as adherence to agreed gender sensitive and inclusive operating principles among CSOs, INGOs and other stakeholders. It will establish an information and knowledge management system to contribute to improved coordination and knowledge management among CSOs and other stakeholders, facilitate CSO service delivery and advocacy efforts, and support the implementation of the capacity development service delivery model. It is hoped that the CSOs will gradually take on the task of monitoring the performance of service providers – especially local governments – so that they are more accountable to their citizens.

In both the cases, the design and structure of the initiatives are the key success factors. They are becoming models in providing inclusive spaces for participation and downward accountability. This is important in a country where the space for participation had been negligible or even absent and downward accountability was unheard of. It is important to develop a culture of participation and accountability by being an example and leading the way.

The limitations and challenges of the initiatives are closely linked to the context. Even the National Assembly which is supposed to hold the government accountable is weak and the local mechanisms for ensuring accountability are non-existent. Also, in the case of civil society organisations, the reminiscences of the past are barriers to ensuring effective participation and accountability. Power dynamics between ‘old guard’ ex-government mentality and progressive approaches can still be observed even within the participating organisations. These challenges are not to be underestimated. Any unguarded step or overenthusiastic action could lead to a renewed closure of the existing or emerging space for participation. The international conventions may prevent the Government of Lao to return to the conditions of the past, but the invisible and hidden powers can be used to hijack and weaken the proposed spaces which are yet to be truly opened. Needless to say the scope for created, claimed space would then be closed for ever. Consequently, both interventions can be described as risky tightrope walks.

Such initiatives in not so favourable conditions require concerted efforts and joint actions by local, national and international actors. The following example points towards this. The LHD most often serves as a discussion and exchange space, while informal networks are addressing the issue more concretely at field level. For example, while the LHD would host an internal orientation event around a specific policy like land and resettlement, the informal Land Issues Working Group (LIWG) will facilitate policy dissemination, legal aid and awareness raising at community level through its members and legal aid partners. Joint petitions and ‘concern raising’ letters are also facilitated via the LIWG to give a feedback on community issues to central level decision makers and stakeholders.

Harmonisation would lead to increased impact potential and risk reduction. In the case of LHD, it was able to bring together Helvetas Swiss Intercooperation, Oxfam Novib and the Embassy of France. While the Support to Civil Society has provisions to work with other international actors through Steering committees and Round tables as well as components to supplement projects like MoHA-UNDP so that harmonisation is attempted, the LHD partners with other agencies especially using Aid effectiveness agenda as a platform. The latter is a key member and co-lead with the iNGO Network for one of the outcomes of the recently launched Lao Civil Society Consortium, for which SDC is also contributing.

4. Analysis and Main Lessons Learnt

As described, both projects are working in a situation where the governance system is based on single party rule and democratic centralism – which by definition is hierarchical and does not provide space for participation. This unfavourable situation is compounded by an almost non-existent or weak civil society. Even while decentralising, this does not automatically lead to the adherence to the good governance principles of participation and accountability. The visible and invisible powers exercised through the party hierarchy add to the woes at various levels including the local level. The party is omnipresent and is controlling legislative bodies, government administration, mass organisations and the military in an already weak justice system.

Developments triggered by economic liberalisation and the ratification of various international conventions could have encouraged the government to decentralise and create spaces for civil society to engage with it at different levels. However, these spaces remain tied to elements of power as well as certain spaces and places. At the national level, visible powers control the governance system and related spaces are nearly closed. Even invited spaces are influenced by invisible powers, i.e. through party-led mass organisations and agenda setting at both national and local level.

Nevertheless, it would be wrong to describe the various steps taken towards decentralisation and civil society engagement as a farce. In fact, transferring more power to the local governments (though not democratically elected) and enacting the Decree on civil society organisations have opened up spaces and potentials for participation and ensuring accountability. As identified by the LHD actors, it was the spontaneous response to these emerging opportunities and needs which led to the Learning House for Development. Similarly, the project Support to Civil Society, was built on the environment set through these governmental actions and the National framework.

The mechanisms chosen by these initiatives are also dependent on the context. In both the cases, the focus was on enabling the civil society to use such spaces that were being opened up. Even the names chosen for these initiatives are important, i.e. Learning House for Development as the concept of learning is less threatening. Local civil society actors needed both capacity building and space to engage, network and exchange in a coordinated manner in a safe environment – all of these things are offered by the LHD. It also provides an enabling environment for local CSOs to exchange on issues of national interest. The LHD uses the Aid Effectiveness agenda as a credible and safe entry point. The focus is on providing and empowering the local CSOs with information and knowledge. The Learning House for Development by itself does not advocate for or implement projects, but provides a space for those who engage in such activities to prepare, to become informed, to strategise and coordinate.

In addition, the Support to Civil Society project supports the MoHA to develop its capacities to be responsive to the various challenges in the process of registering CSOs. The LHD strategy has been to provide safe space to the civil society in engaging with the government, and not to directly advocate or implement, i.e. trying to avoid the possible direct confrontation with existing powers. To keep government on board, government representatives are invited to training programmes and knowledge sharing events. It also takes care of inviting and addressing government players in their consultations. The Support to Civil Society project goes on to address the powers by directly supporting the MoHA in its own capacity building to engage with civil society organisations.

As mentioned earlier, the introduction of the concepts of participation and accountability were also key, including demonstrating their value. The initiative itself had to develop internal mechanisms of good governance and ensure inclusive participation and downward accountability, in order to lead by example. Both the Learning House and the Support to Civil Society programme try to be inclusive by ensuring spaces for the marginalised groups. In the LHD, the steering committee is gender balanced and representative of different layers of society. Consultations at all levels ensure the participation of all members within communities, including farmers, ethnic groups, women, the elderly and youth, monks, people living with HIV/AIDS and others. The third component of the Support to Civil Society

project specifically aims to improve coordination, information and knowledge management and adherence to agreed gender-sensitive and inclusive operating principles among CSOs, INGOs and other stakeholders.

Even in this difficult terrain, the LHD has been able to make a visible difference. In a culturally, institutionally and politically hierarchical environment, where power relations continue to be imbalanced, the LHD has been offering a space for discussions and whenever possible it has coordinated the strategising of joint efforts to trigger power shift (in some few cases through strategic engagement). Slowly these spaces are being used by CSOs for small, joint interventions. For example, by producing a sensitive radio programme or by organising a discussion on Aid Effectiveness. Previously, these activities would have been unthinkable in the Lao civil society.

The building of this internal system based on good governance principles is expected to show the way to strengthen sustainable democratisation process and democratic culture. This is also the case of the Support to Civil Society programme where this approach is embedded in the strategy of the project. What is crucial is the understanding that by leading by example and showing own models which are contributing to the democratisation process in a society which is totally devoid of such a culture. The Support to Civil Society programme is expected to also have influence on the institutional structures as it works with the MoHA. However, it is too early to expect any serious changes in the institutional structures or legal framework at any level after this short period of implementation.

Despite this short period of project time, the LHD has facilitated much learning. The understanding, interpretation and application of concepts like decentralisation, local governance, participation, accountability and so on are context specific. Informal channels are as relevant as formal channels in such initiatives and local actors play a crucial role. It is important to be aware that civil society itself is neither homogenous nor empowered and informed about its rights and entitlements. Even the understanding of governance principles is dependent on the existing cultures and past experiences. Consequently, it is an iterative approach based on local and context specific strategies is crucial. Such initiatives require time, resources and space to evolve. Hands-off approach in facilitation has reaped dividends as well as had constraints. It is important to have a flexible framework so that the initiative can respond to the needs and potentials, as they emerge. The LHD was fortunate to have such a framework.

5. Concluding Remarks

Initiatives undertaken through the Learning House for Development and the Support to Civil Society project are challenging. However, if they succeed, they will have a strong impact in terms of paving the way for effective mechanisms for informed and inclusive participation and downward accountability.

Visible and invisible powers operate at all levels of governance and the spaces for participation are still to be opened up. Though the decentralisation process and the acknowledgement and legitimisation of civil society organisations are under way, barriers and challenges remain to be overcome. In this context, strategies adopted by the initiatives to facilitate the strengthening of CSOs to work towards using the invited spaces and negotiate for other spaces, are important. Slow and consistent efforts together with networking and joint action through harmonisation should help move forward. However, it is a long drawn process where formal and informal alliances as well as numbers matter a lot. Still, these initiatives have initiated the process for a paradigm shift towards ensuring participation and accountability in Laos. A flexible framework for supporting CSOs, leading by example on participation and accountability, and working with both civil society and government appear to be particularly important.

6. Mirroring Case study Macedonia Civica Mobilitas

Civica Mobilitas – Key Informant: Ibrahim Mehmeti

The case study presents very complex and very sensitive political and social environment which makes the outcome of the intervention very uncertain. In many ways, the current political constellation in Laos reminds us of the situation in the former communist countries, such as former Yugoslavia, including Macedonia, as one of its former republics. It seems similar to the period before the fall of communist regimes in the end of 1980's, but also the period at the start of the pluralist system at the beginning of 1990's. Yet, the situation in Laos seems to be even more complex due to even less favourable general political context in the region compared to that in East Europe after the fall of the Berlin wall.

The fact that the Laos' government allows international support for local Civil Society Organizations (CSOs) is promising, but at the same time, the case study makes it clear that there is no genuine interest or readiness for building a sustainable, independent civil society sector. The overall party control seems to be omnipresent and it has obviously penetrated in all levels of the society which makes the intervention in the civil society sector and its development very challenging. Thus, to compare the current situation with the civil society in Laos and the one in Macedonia, would be quite difficult, but rather the situation could be compared with the one in Macedonia at the beginning of the civil society activism which started just after the beginning of political pluralism in 1990's. At that time, when civil society organizations and individual activists were often depicted as "foreign agents", to work in the social or political transformation projects was extremely difficult. A turn-around came when the government was interested to create a positive impression, which was a precondition to get international economic and political support. If this is not the case, then the intervention becomes much more difficult and requires much more careful approach.

In the case of Macedonia, even though the position of the civil society sector is much more advanced as compared to that in the beginning of the 1990's, there is still high level of scepticism and non acceptance by citizen. The assessment showed that one of the main reasons for scepticism toward CSOs is the fact that as they are forced to "run" after grants. Often they are compromising their mission and this creates a negative perception among citizens. This negative perception is very much used by the government and the political parties to undermine the role and the intention of the CSOs, often supported by media, which are highly controlled by business elites that are closely linked to the government structures. To address this issue, Swiss Cooperation Macedonia choose the model of institutional support (budget support) as main model of support to CSOs in order to make them less "donor driven" and at the same time more sustainable in what they promote and stand for.

The SDC programme *Civica Mobilitas* from Macedonia supports the very dynamic process of decentralisation it was decided that a combination of activities would be more appropriate. The *Civica Mobilitas* programme is similar to the Policy Forum Programme which supports local authorities in participatory planning. *Civica Mobilitas* works both with watchdog organisations and with CSOs supporting municipalities to better address their obligations for service provision. This intervention also foresees close cooperation and coordination among CSOs based on their affiliations or common interests in order to strengthen advocacy.

Civica Mobilitas aims at supporting CSOs in a financially sustainable way. Being aware that it is difficult to talk about the financial sustainability of the CSOs because they are not for profit organisations and will need external financial support, the project tries to support the sustainability of their approach, e.g. by identifying and supporting authentic organisations that are focused on certain fields of activities and are recognised and accepted by their constituency. *Civica Mobilitas* believes that once this is achieved, a more sustainable civil society sector has emerged. Another important factor for making the approach sustainable is actively including as strategic partner the associations of the municipalities. In the case of Macedonia, the main success factor is the combination of different interventions and the project structure which included various civil society organisations

(Civica Mobilitas), the individual citizens (Community Forums) as well as the association of the municipalities which is directly linked with the governance system of the country.

The applied model of institutional support to CSOs, works with selected CSOs, who receive three years financial support. The first year they receive 50% of their annual budget and then the financial support decreases to 40%, respectively 30% in the third year. The remaining percentage is to be secured through matching funds. The experience so far has proven that all CSOs have secured almost 100% of the matching funds and in some cases, they have received even additional funds beyond the planned activities. Matching funds are very positive not only from the financial point of view, but it also brings CSOs bigger visibility and wider backing from the international community, which can be of great help in less democratic countries.

As a conclusion, we could say that although the comparison isn't so easy if we take into consideration only the current context, but again, the fact that Macedonia has been in similar situation as the one depicted in the Laos' case study, in its near past, we could say that the main lesson learnt should be seen from this historical context. In other words, the intervention should probably be designed so that local CSOs get institutional support, which would be not only financial, but perhaps even more related to their organizational capacities which would make them more resistant to challenges, especially from invisible powers. In a highly complex and sensitive context such as the one in Laos, parallel inclusion of media and careful steering by donors may also be vital for the success of the project intervention.

7. References

Survey on Civil Society Development in the Lao PDR: Current Practices and Potential for Future Growth prepared by Rik Delnoye, Working Paper Series, SDC Mekong Region