

The Lao PDR Human Rights Seminar:

Implementation of the Universal Periodic Review Recommendations

Vientiane, February 16 2011

Organized by: International Law Project Phase III with MOFA, EU & UNDP

I] Statements & remarks made on behalf of HELNETAS Laos by Agnieszka Kroskowska

1) Statement in reference to:

Presentations **5 Regional Trends in the implementation of the UPR Recommendations: Perspectives of the Office of the Commission on Human Rights (OHCHR)** by Mr. Jong-Gil Woo – Regional Human Rights Officer and **6. International Best Practice for UPR Recommendations Implementation** by Prof. Sam Blay, Senior Technical Advisor for the Int. Law Project

Statement:

(...brief introduction & acknowledgments in Lao...)

Good afternoon.

My name is Agnieszka representing HELNETAS Laos, a Swiss NGO.

Your Excellency's, fellow governmental, non-governmental & civil society development partners, colleagues, ladies and gentlemen,

On behalf of Helvetas I would first like to express our appreciation for being invited to join this important exchange and for the opportunity to actively participate.

I would also like to begin by acknowledging the achievements of the Lao PDR in its full acceptance of 71 recommendations and recognize its commitment and intent to further strengthen and implement these recommendations.

Building on these achievements and focusing on these fully accepted recommendations and their impending implementation, I would like to revisit earlier remarks made by various presenters and speakers about participatory actions and the lack of capacity of the Government, relating these to the two presentations just made on the regional context and best practices implementation of UPR recommendations.

As already repeatedly mentioned today participatory planning and decision making engaging multiple-stakeholders is a proven & effective best practice with measurably better results and impacts. And as mentioned this also requires time and capacity to carry out effectively. HELNETAS wishes to take this opportunity to stress the importance for the Lao PDR not to lose opportunities when available for the Lao PDR to empower itself and strengthen its own capacity in this respect to first and foremost be better equipped to comprehensively implement

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its own constitution and laws, which we believe to be very good, and secondly strengthen its position at the regional level within ASEAN and internationally in successfully implementing related treaties and agreements. This is crucial to ensure that the leaders entrusted with the caretaking of this country are enabled to make informed decisions when negotiating development plans and projects affecting the socio, environmental and economic security of this poor country, rich in people diversity, bio-diversity and natural resources.

One such opportunity is one that is already being taken advantage of by neighbouring countries Thailand, Vietnam and Cambodia, who are carrying out multiple PNPCA public consultations in line with the 1995 Mekong Agreement as part of the planning and decision making process regarding the Sayaboury Dam project planned for Northern Laos. Although an environmental impact assessment has been carried out here in Laos, EIA is different from the PNPCA in its scope of study. The PNPCA takes into account broader issues directly relating to social welfare, culture and livelihoods. The PNPCA allows for more comprehensive analysis mitigating adverse impacts which could directly undermine Lao's ability to successfully meet its MDGs, implement the NSDEP and UPR recommendations, uphold and implement its own constitution and laws, not to mention risk its reputation & good standing within ASEAN and international circles. Until now no announcement or plan to carry out this public consultation here in Laos where the dam is to be built has been publicized.

On this note HELVETAS encourages the Lao PDR to join its neighbors in taking advantage of this opportunity to build up its capacity in carrying out & implementing comprehensive planning, decision making & agreement processes, and to fully exercise its own rights to ensure it makes an informed decision on this very important project which may have impacts for the country in the longer term that no amount of GDP growth can compensate for or fix.

If it is a matter of time and capacity which is preventing the Lao PDR from carrying out this consultation process, HELVETAS stands ready and is confident that other signatories of the 2011 Development Partners Joint Statement on the 17th Meeting of the MRC and The Thai People's Network for Mekong Open Letter which include the EU, World Bank, FAO and ADB would welcome the opportunity to facilitate taking the time and cooperating with the Lao PDR to implement the PNPCA consultation with due diligence helping to build its capacity and strengthen both in the short and long term the Lao PDRs resilience & socio-environmental and economic security, and good standing within ASEAN.

Thank you. Khaw khop jai.

2) Remark in reference to Presentation **8. Human Rights, Governance and the 7th NSEDP: Implications of the UPR Implementation Process** by Dirk Wagener, Assistant Resident Representative, Chief of Governance Unit – UNDP

Thank you. In reference to questions raised about 'costing' UPR implementation, existence of best practices in other countries on this matter, and links to the implementation of the NSEDP - may I take this opportunity to remind and propose that the Lao PDR is currently carrying out a survey & reporting process on Aid Effectiveness and the Paris Declaration. I believe there is a direct link which we would be remiss in omitting and suggest that perhaps the results of the Aid Effectiveness survey of the Lao PDR could and should feed into developing a best practice for UPR/NSDEP implementation & costing for the Lao PDR. Again thank you.

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