

ALTERNATIVE DISPUTE RESOLUTION

**in the
Lao People's Democratic Republic**

- 2 Main institutions involved:
 - Dispute Settlement Units at village level;
 - Economic Arbitration Organization at central and provincial levels.

Dispute Settlement Units (DSU)

- Established in each village in 1997 pursuant to the Decision of the Minister of Justice No.304/MOJ, 7 August 1997
- Now, the Unit has changed the name to “Village Mediation Unit”
- Under the supervision and control of local Administrations and technical advice of the District Offices of Justice
- Have the mandates to assist the local Administration in settling disputes at village level

Dispute Settlement Units (DSU)

- Composition of DSU:
 - Chief of village head;
 - Representatives of :
 - Lao Front for National Construction;
 - Lao Women's Union;
 - Lao Trade Union;
 - Lao Youth Organization;
 - 3 senior villagers selected by the people of the village for 3 years of term.

Dispute Settlement Units (DSU)

- Mandates:
 - Civil and Commercial matters, including familial matters, such as divorce of spouses;
 - Criminal matters having no serious harmful effects to the society, such as theft;
 - Any dispute between parties could not be accepted for consideration by the Justice of Peace if such dispute had not brought for prior conciliation by the Chief of village or by the DSU

Economic Arbitration Organization (EAO)

- Established in 1995 pursuant to the Prime Minister's Decree No.106/PM, 15 July 1994;
- A part of the organization of the MOJ and has the status equivalent to the Department within the Ministry of Justice;
- Headquarter in the MOJ and 4 branch Offices: 2 in the North, 2 in the South: Udomxai, Luangprabang, Swannakhet, Champasak.

Economic Arbitration Organization (EAO)

- Roles of EAO:
 - Settling the disputes arising from agricultural production, industry, trade and service aiming to encourage and promote foreign investment and local investors, and promote commercial activities in multi-sector economy
 - 2 types of settlements: Mediation and arbitration.

Economic Arbitration Organization (EAO)

- Arbitrators are recruited and selected from legal practitioners, retired magistrates and public prosecutors, and then appointed by the Minister of Justice;
- Trainings for arbitrators are organized at least one time a year by the Judicial Training Institute which is a part of the organization of the MOJ;
- Arbitral awards are not in or of themselves final, binding or enforceable. The arbitral award should be certified by the court before it can be enforced.

Other forms of ADR

- Conciliation by:
 - Lao Women Union;
 - Lao Trade Union.
- *It is noted that a conciliation can be taken place at all steps of the civil proceedings, from the first step to the trial in the courtroom before judgment. The litigant parties can also put to end their disputes during the judgment enforcement.*

Thank you