



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity
-----000-----

Guideline
Concerning the conflict mediation in the village level
Under the Climate Protection through Avoided Deforestation
(CliPAD) in Houaphan Province

May 2017





Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity
-----000-----

Houaphan Provincial Lao Front for National Construction

Number...../PLFNC
Houaphan Province, date.....

Guideline
Concerning the conflict mediation in the village level

**Climate Protection through Avoided Deforestation (CliPAD) in
Houaphan Province**

May 2017

Part I

Introduction

1. Object and Target

1.1. Objective

- To make sure that there is an implementation of the directions and policies of the party in gathering the solidarity of all people to participate in the mission of protecting and developing the country;
- To mediate the conflict and solve different problems happening in the village level in accordance with the laws, regulations, cultures and traditions that have been practiced in local areas;
- To make sure that it is fair and equal for all people from different ethnic groups;
- To make sure that the conflict is solved in the village level in the forms of mediation. This relies on the mediator to educate, give comment and find the solution for both litigants with the aim to make the litigants conciliate each other and jointly agree on the problem in a peaceful manner.

1.2. Target

To provide solution for people, litigants, and individuals who have conflict and are affected by some problems happening within the village or the impact from the operation of activities;

Create consensus and solidarity of Lao people from different ethnic groups within the village. This is a condition and potentials for developing the economy and the livelihood to be better off;

To determine principles, regulations and measures for the mediation of conflict in the village level. This could be the civil cases related to the trade and families and the criminal case that is less serious happening in the village. The aim is to preserve and scale up the solidarity among people of different ethnic groups within the village in order to make sure that it is peaceful and can maintain the regularity and justice

2. Policies and legislations

This guideline concerning the mediation of conflict in the village level is created based on the following laws and legislations:

- The law concerning the government of Lao PDR., number 02/NA., dated on 06 May 2003;
- The order of prime-minister, number 46/PM., dated on 29 September 2009, concerning the increase of attention to the justice activities in the grassroots level;
- The law concerning the process for solving the grievance in the Lao PDR., number 07/NA., dated on 09 November 2005.

3. Scope of use.

This guideline concerning the conflict mediation in the village level is used for conflict mediation in the case there is conflict happening in some families, individuals, legal entities or organizations that are under the authority of village.

4. Explanation of terms.

The words used in the guideline concerning the mediation of conflict in the village level have following meaning:

- 1) **Litigants** refer the individuals who have conflict with each other. It consists of plaintiff(s) and defendant(s) ;
- 2) **Conflict** means grievance, misunderstanding, disagreement or pending problems between two or more people; between individuals and organizations; and between families and families concerning the civil relationship, trade, family issues, labours and so on;
- 3) **Conflict in the village level** means grievance, misunderstanding, disagreement between people of different ethnic groups in the village and between villages and villages and it is about being affected by some problems from the activities implemented under the authority of village (Based on the complaining of one party);
- 4) **Conciliation** means being lenient to each other;
- 5) **Convincing** means instructing, warning and giving good advice to litigants so that they can come to agreement;
- 6) **Mediator** refers to individual(s) who is selected by people within the village to function as a media person in mediating the conflict by the way of convincing and conciliating;
- 7) **Village conflict-mediation committee** refers to mediators who are selected by people and directly appointed by the village administrative authority to be the village conflict-mediation committee;
- 8) **People** refers to Lao population and foreigners who live in Lao PDR;
- 9) **Application or request** refers to the document or the detail of conflict that the litigant sends to the village conflict-mediation committee;
- 10) **Minute of mediation** means the minute for the conflict mediation that the litigants agree or disagree.

5. Kinds of petition

A petition is a document of population or organization that is handed to relevant organizations in order to consider the solution for the action or any agreement of organizations or individuals where it sees that it is a violation of laws and regulations and effects on the benefit of government, collectives, individuals or their rights and benefit;

- + The petition has three categories:
- The petition that submits to the government administrative authorities is called a request (to village, district, province and government administrative authorities);
- The petition that is submitted to the investigation authority, the attorney organization or the court is called suit (through different levels).
- - The petition that is submitted to the national assembly is called an appeal (through different levels).

Part II

Basic principles for mediating the conflict in the village level

1. Basic principles for mediating the conflict in the village level

- 1) Make sure that it is fair and comply with the laws and regulations;

- 2) Convincing;
- 3) Prosecute transparently and openly in front of all litigants;
- 4) The mediator in the village level shall be independent and have no bias;
- 5) The justice of mediation in the village level;
- 6) The willingness of litigants in mediating the conflict in the village level;
- 7) Respecting of rights and freedom of litigants;
- 8) The language that can be used for mediating the conflict in the village level shall be the languages of litigants;
- 9) Opposing and withdrawing of village mediators (In the case when there is an inclination of mediators, the mediation committee can oppose and withdraw such person based on the majority vote of such committee);
- 10) To take note during the mediation of conflict, it shall use Lao language.

2. The procedures of conflict mediation in the village level

- 1) With the families: the plaintiff shall consult with their families, relatives, senior people and negotiate with the litigant in a family way;
- 2) When both litigants cannot come to agreement, it needs to inform the village mediation committee to so that they can give advice based on the regulations;
- 3) When the village mediation unit cannot solve the conflict, it needs to suggest the litigants to submit the request, suit and appeal to the relevant organization by following the procedures.

3. The organizational structure of village mediation unit

1	Chair or deputy chair of the village Lao front for national construction	To be chair
2	Village chief or deputy village chief	To be a deputy chair
3	Village women union	To be the member
4	Village (Village cluster, Khet) security	To be the member
5	Veteran federation	To be the members
6	Village youth union	To be the members
7	Senior people within the village	To be the members

In the case when people do not understand Lao, it needs to have a translator who can translate into ethnic language. If people do not understand the law, it needs to have a person who knows the law to explain the law.

4. Methods to solve the conflict in the village

- 1) After receiving and studying the request of litigants, the village mediation unit invites the litigants to clarify such issue;
- 2) Ask for all relevant document from the litigants to use as reference for mediation;
- 3) Conduct the mediation in a timely manner, compliance and coherence with principles, laws and regulations through the process of conciliation and justice;

- 4) After having agreement, the mediation committee shall inform the result to the litigants in order to confirm the correctness before making a minute and signed together by all members of committee and litigants. In the case there is no one know how to read and write, they can put the thumbprint in the signature space;
- 5) For all expense occurring during the mediation process, the person whose action causes the conflict shall be liable.

5. Policies concerning the mediation of conflict in the village level

- 1) The government has a policy to encourage and promote the solution of conflict by the way of mediation through the consultation with conciliation in the village level. This is to enhance the good legend, the love and the solidarity of people from different ethnic groups within the village;
- 2) It is a condition facilitating the village mediation unit to be able to fulfil their TORs, rights and duties based on the provision in this guideline and other relevant laws;
- 3) The individuals, organizations, and mediators who have excellent working performance in mediating the conflict in the village will be rewarded with the policies concerning the appreciation, admiration, etc. depending on the practical working performance.

6. Measures against violators

Any individuals, organizations and mediators who violate this guideline will be convinced, disciplined or penalized with criminal punishment depending on how serious the case is and they have to pay for the loss caused by them.

7. The monitoring, inspection and evaluation

7.1 Monitoring and inspection

When this guideline is implemented, it needs to be monitored and inspected by the relevant parties. This includes village administrative authority, mediation unit and other relevant parties. They shall regularly report to the relevant organizations in the upper level every month.

7.2. Evaluation

After using this guideline for 1 year, it needs to have an evaluation to review all implementation in order to see the advantages, disadvantages and gaps of the guideline. The aim is to revise, edit and make it more perfect;

The parties responsible for this evaluation will be the central Lao front for national construction as a main body with the participation of local administrative authority, local Lao front for national construction, local women unions (Province, district and village)

7.3. Reporting

The reporting shall reflect the real situation in mediating the conflict in the village level and it shall regularly report to the responsible committee. Specifically, the village will report to the district; the district will report to the province and the province will report to the central through different levels.

Part III

Final provision

1. Implementation

It is assigned to the Lao front for national constructions of all levels to collaborate with other relevant parties; disseminate and implement this guideline in an effective manner.

2. Effectiveness

This guideline comes to effect from the date of signing.

Houaphan province, date 19 May 2017

Deputy Chair of Provincial Lao Front for National Construction

Viteng Cheumaiteng
(Signed and sealed)