



# Background

**on the Establishment of Administrative Court Chambers**

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

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# Message from the President of the Supreme Administrative Court

The Administrative Court of Thailand and the People's Supreme Court of the Lao People's Democratic Republic (Lao PDR) have reached an agreement in principle to establish technical cooperation between the two judicial organizations. As a result, the Office of the Administrative Courts of Thailand and the People's Supreme Court of the Lao PDR signed a Memorandum of Understanding (MOU) on Legal, Judicial, and Administrative Judicial Management Cooperation. Since the signing of this MOU, technical cooperation activities have been implemented continuously.

The Administrative Court of Thailand is pleased to cooperate with the People's Supreme Court of the Lao PDR in establishing the administrative court chambers in the Lao PDR. The Administrative Court of Thailand has provided support in the form of training courses on administrative law and other relevant topics for Lao administrative justice personnel and has also assisted in the enacting of the law on the establishment of the administrative court chambers as well as other relevant laws. In 2022, both organizations cooperated in devising public relations activities for the opening of an administrative court chamber in the People's Supreme Court of the Lao PDR, which resulted in their full establishment.

On behalf of the Administrative Court of Thailand, I wish to thank all concerned parties from the People's Supreme Court of the Lao PDR as well as other Lao agencies for collaborating in technical cooperation activities until they were all successful. I would also like to thank the Thailand International Cooperation Agency (TICA) for its collaboration and generous funding to support activities. My appreciation also extends to all relevant personnel of the Administrative Court and the Office of the Administrative Courts for their tireless efforts throughout, which resulted in concrete outcomes from the cooperation between the two judicial organizations. I sincerely hope that the Administrative Court of Thailand and the People's Supreme Court of the Lao PDR will continue to work together to enhance knowledge and understanding regarding public law and administrative proceedings in the Lao PDR.

(Professor Dr. Vorapot Visrutpich)

President of the Supreme Administrative Court

December 2022

# Preface



The establishment of an administrative court chamber in the People’s Supreme Court of the Lao PDR marks one of the tangible accomplishments of administrative judicial cooperation between Thailand and the Lao PDR. To lay down the foundation of administrative justice and successfully establish administrative court chambers in the Lao PDR, the Administrative Court of Thailand and the People’s Supreme Court of the Lao PDR collaborated on knowledge enhancement and training in administrative justice for relevant personnel as well as on the enactment of the law on the establishment of administrative court chambers and other related laws.

The book entitled *“Background on the Establishment of Administrative Court Chambers in the Lao People’s Democratic Republic”* serves as a historical record which tells the story of successful collaboration between Thailand and the Lao PDR in establishing an administrative justice system to protect the rights and liberties of individuals as well as facilitate state administration for the development of the Lao PDR. Additionally, this book also illustrates the long-lasting friendship between Thailand and the Lao PDR.

The production team hopes that the book entitled *“Background on the Establishment of Administrative Court Chambers in the Lao People’s Democratic Republic”* will be helpful for anyone who wishes to learn about technical cooperation between the two judicial organizations or to study about administrative justice in the Lao PDR.

The Production Team  
December 2022

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# Chapter 1

*Beginning of the Technical Cooperation*



The Administrative Court of Thailand  
and  
The People's Supreme Court of  
the Lao PDR



# Chapter 1

## Beginning of the Technical Cooperation

During the Asia-Pacific Courts Conference 2010 held in Singapore from 3 to 7 October 2010, Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR, discussed with Mr. Piya Patangta<sup>1</sup>, Vice-President of the Supreme Administrative Court of Thailand, the possibility of sending a delegation of judges or representatives from the Lao PDR to visit or receive on-the-job training at the Administrative Court of Thailand. Mr. Khampha Sengdara wanted to equip personnel of the People's Supreme Court of the Lao PDR and relevant sectors with knowledge and understanding of administrative cases and the administrative justice system. Mr. Piya Patangta thought that it was possible to support these activities so the Bureau of Foreign Affairs<sup>2</sup>, Office of the Administrative Courts, was consequently assigned to set up guidelines to conduct such activities.

Bureau of Foreign Affairs decided that providing the support requested by Mr. Khampha Sengdara would help strengthen the relationship between the two organizations. It was also felt that such an activity was in accordance with the Administrative Court of Thailand's strategic plan to promote itself to become the centre of technical knowledge on administrative and public law. Later in 2011, Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, granted approval for technical cooperation support to the People's Supreme Court of the Lao PDR.

In order that the technical cooperation between the two organizations be conducted appropriately and formally acknowledged by governments of the two countries, the Office of the Administrative Courts submitted a letter to the

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<sup>1</sup> A former name is Mr. Kasem Comsatyadham

<sup>2</sup> A former name is Bureau of International Cooperation and Information





Ministry of Foreign Affairs to request coordination with relevant agencies of the Lao PDR to inform them that the Administrative Court was pleased to support personnel development of the People's Supreme Court of the Lao PDR and other relevant sectors.

Later, the Ministry of Foreign Affairs submitted a letter to the Office of the Administrative Courts informing them that the People's Supreme Court of the Lao PDR had requested support in the form of a training course at the Administrative Court. Then, the Office of the Administrative Courts requested the Ministry of Foreign Affairs to inform the People's Supreme Court of the Lao PDR about the programme and the budget granted to conduct the short-term training course for its personnel.

From 11 to 15 June 2012, Mr. Vitavas Srivihok, Ambassador of Thailand to the Lao PDR, escorted Mr. Khamphanh Sittthidampha, President of the People's Supreme Court of the Lao PDR, and his delegation to pay a courtesy call on Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, and conduct a study visit to the Administrative Court.





*From 11 to 15 June 2012, Mr. Vitavas Srivihok, Ambassador of Thailand to the Lao PDR, escorted Mr. Khamphanh Sitthidampha, President of the People's Supreme Court of the Lao PDR, and his delegation to pay a courtesy call on Mr. Hassavut Vitiviriyakul, President of the Supreme Administrative Court.*

During the courtesy call, the Presidents of the two organizations and their delegations discussed and exchanged experiences and views. The President of the People's Supreme Court of the Lao PDR talked about the national policy relating to the establishment of administrative court chambers in the Lao PDR which was expected to be completed by 2015. Moreover, the People's Supreme Court of the Lao PDR requested support with documents concerning procedures





for establishing the administrative court chambers, as well as information relating to problems and obstacles in establishing the administrative court chambers. In this regard, the President of the Supreme Administrative Court and his delegation were invited to visit the Lao PDR.

In response to the intention of the two Presidents to develop mutual technical cooperation, the Office of the People's Supreme Court of the Lao PDR and the Office of the Administrative Courts discussed the drafting of a MOU which stated that both parties mutually agree to assist each other in promoting legal, judicial, and administrative judicial management cooperation. Exchanges were to occur in different fields: experiences in judiciary and administrative judicial management; codes of law, acts, royal decrees, rules and regulations, academic papers, reports on administrative law and judiciary activities of the two countries in regional and international conferences as well as other activities based on mutual agreement. More importantly, the Office of the Administrative Courts was to encourage the study of law and increase knowledge and expertise in the field of administrative law for judges and officials of the People's Supreme Court of the Lao PDR. Then, the Offices of both parties presented the draft MOU to their Presidents for preliminary approval. The Office of the Administrative Courts submitted the draft MOU to the Ministry of Foreign Affairs in order to submit it officially to the People's Supreme Court of the Lao PDR. The President of the People's Supreme Court of the Lao PDR approved the draft MOU and delivered a letter to the President of the Supreme Administrative Court inviting him to visit the People's Supreme Court of the Lao PDR.





The President of the Supreme Administrative Court and his delegation accepted the invitation and officially visited the People's Supreme Court of the Lao PDR from 25 to 27 February 2013. On 25 February 2013, the President of the Supreme Administrative Court and his delegation paid a courtesy call on executives of the People's Supreme Court of the Lao PDR and exchanged experiences with them that were beneficial to the establishment of administrative court chambers. The People's Supreme Court of the Lao PDR stressed that their mutual cordial relationship and cooperation could play an important role in the development of work procedures and personnel development within the justice system. Furthermore, the signing of the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation made their relationship broader and more concrete. The Administrative Court proposed concrete cooperation activities; for example, a training course for personnel of the People's Supreme Court of the Lao PDR held at the Administrative Court of Thailand or a training course delivered by speakers from the Administrative Court of Thailand held at the People's Supreme Court of the Lao PDR. These activities would help strengthen the administrative justice system of both countries and mark the beginning of the preparation for the ASEAN Economic Community. Moreover, the two organizations also exchanged knowledge and experiences relating to administrative cases in terms of case procedure and types of cases.

Later, the Presidents of the two organizations and their delegations joined as witnesses in the signing ceremony of the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation between the Office of the Administrative Courts of Thailand and the People's Supreme Court of the Lao PDR. On this occasion, Mr. Surapan Purananda, Deputy Secretary-General of the Office of the Administrative Courts, and Mr. Sengkeo Philaphondeth, Deputy Secretary-General of the Office of the People's Supreme Court of the Lao PDR, signed the MOU.





On 25 February 2013, at Lao Plaza Hotel, Vientiane, Mr. Surapan Purananda, Deputy Secretary-General of the Office of the Administrative Courts, and Mr. Sengkeo Philaphondeth, Deputy Secretary-General of the Office of the People’s Supreme Court of the Lao PDR, signed the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation between the Office of the Administrative Courts of Thailand and the People’s Supreme Court of the Lao PDR. Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, and Mr. Khamphanh Siththidampha, President of the People’s Supreme Court of the Lao PDR joined as witnesses in the MOU signing ceremony.





During this visit, the President of the Supreme Administrative Court and his delegation had a discussion with senior executives of the Lao PDR. The details were as below:

On 26 February 2013, there was a meeting with Prof. Ket Kiattisack, Deputy Minister of Justice of the Lao PDR, and his delegation. Prof. Ket Kiattisack believed that the exchange of experiences with the Administrative Court of Thailand would be an advantage to the establishment of administrative court chambers in the Lao PDR. The President of the Supreme Administrative Court was pleased that the two countries jointly strengthened and promoted the justice system even though their legal systems were different. Later, there was another meeting with Mr. Khamsan Suvong, Secretary-General of the Office of the Supreme Public Prosecutor (OSPP) of the Lao PDR to exchange views on the procedure for delivery of justice and, more importantly, public relations activities that provide knowledge and understanding about the Court's roles as well as people's rights and liberties so as to build public trust in the justice system.

On 27 February 2013, there was a meeting with Mr. Somphanh Phengkhammy, Vice- President of the National Assembly of the Lao PDR, and his delegation. The senior executives of the two organizations shared their opinions and experiences about the administrative justice system. The Thai delegation gave information about the Thai administrative justice system, for example, inquiry into facts by an administrative judge, exercise of judicial power, and checks and balances. The Thai delegation explained that a judge-commissioner of justice submits his/her statement to the chamber for trial and adjudication. The senior executives of the Lao PDR viewed that the shared information was interesting and useful for case adjudication.

These visits not only strengthened the bilateral ties between the two organizations but also provided the executives and relevant agencies of the Lao PDR with an understanding of the roles of the Administrative Court and the administrative justice system.





## 1.1 Preparation and Implementation of Technical Cooperation by the Administrative Court and the Office of the Administrative Courts

After returning to Thailand, the President of the Supreme Administrative Court appointed a *“Working Group for the Implementation of Memorandum of Understanding on Judicial Cooperation between the Office of the Administrative Courts of Thailand and the People’s Supreme Court of the Lao PDR”*. This working group consisted of administrative judges and personnel of the Office of the Administrative Courts. Their aim was to provide concrete support for the establishment of administrative court chambers in the Lao PDR and to achieve the objective of judicial cooperation under the MOU.

Later, the technical cooperation project between the two organizations was stated in the 18<sup>th</sup> Meeting of the Joint Commission on Bilateral Cooperation between Thailand and the Lao PDR hosted by the Ministry of Foreign Affairs of Thailand. It was a long-term project at the national level with the aim of preparing the country for the ASEAN Community and promoting the administrative justice system in the ASEAN Community. The project also aligned with the Administrative Court’s strategic plan which included becoming a centre for public and administrative law in the Southeast Asian region. Coordination with judicial organizations, agencies, and commissions was also needed so the President of the Supreme Administrative Court cancelled the order appointing the above-mentioned working group and appointed a *“Commission for the Implementation of Memorandum of Understanding on Judicial Cooperation between the Office of the Administrative Courts of Thailand and the People’s Supreme Court of the Lao PDR”* which mandated the promotion of technical cooperation activities and education in order to equip the People’s Supreme Court of the Lao PDR’s judges, officials, and lawyers of the Lao PDR with training on administrative law in order to strengthen their knowledge and expertise. The Commission prepared an action plan, a budget, and technical activities; prepared a progress and performance report for the President of the Supreme Administrative Court; and performed other relevant duties as assigned





by the President of the Supreme Administrative Court. This Commission was chaired by Mr. Paiboon Siengkong, President of a Chamber of the Supreme Administrative Court. The Commission set guidelines and budget for two action plans as follows:

**1. Action plan on personnel development:** Organize a training course on administrative law and Administrative Court procedure for personnel of the People's Supreme Court of the Lao PDR to enhance their knowledge and understanding of the Administrative Court and the administrative justice system. This action plan was directed by Mr. Suchat Mongkollertlop, Judge of the Supreme Administrative Court, and Mr. Anucha Hunsawasdikul, Judge of the Central Administrative Court, temporarily serving as Judge of the Administrative Court of First Instance, attached to the Supreme Administrative Court. The coordinators were Ms. Siriwan Kitiwechakul, Director of International Cooperation Group II, Bureau of Foreign Affairs, and Ms. Kanchana Leelacharaskul, Administrative Court Official, Professional Level, Bureau of Foreign Affairs.

**2. Action plan on supporting the drafting of the law on the establishment of administrative court chambers as well as other relevant laws:** This action plan was directed by Mr. Somchai Aimotch, Judge of the Supreme Administrative Court, and Mr. Praves Ruxsapol, Judge of the Administrative Court of First Instance, attached to the Supreme Administrative Court. The coordinators were Mrs. Sinpoon Withayawongruchi, Administrative Court Official, Senior Professional Level, Acting Director of International Cooperation Group I, Bureau of Foreign Affairs, and Mrs. Weerawan Sookviboon, Administrative Court Official, Senior Professional Level, Bureau of Foreign Affairs.

The Lao PDR government had a policy to establish administrative court chambers in the Lao PDR in order to develop the country as a legal state: *"Of the people, by the people, for the people"*. This policy conformed to the resolution of the 9<sup>th</sup> National Congress of the Lao People's Revolutionary Party and the master plan on the development of the legal state. To accomplish this policy, from 5 - 6 September 2013 at Luan Prabang, the Lao PDR conducted a





workshop to enhance knowledge on the Administrative Court. The President of the Supreme Administrative Court was invited to participate in this workshop by the People's Supreme Court of the Lao PDR. The participants exchanged their knowledge on administrative dispute settlement methods used in foreign countries; for example, France, Germany, Japan, Thailand, and Vietnam. From this discussion, basic guidelines for establishing the administrative court chambers in the Lao PDR were set. In this regard, the President of the Supreme Administrative Court delegated the management of this workshop to Mr. Suchat Mongkollertlop, Judge of the Supreme Administrative Court, Mr. Anucha Hunsawasdikul, Judge of the Administrative Court of First Instance, attached to the Supreme Administrative Court, and Ms. Panyaanonng Pakpian, Administrative Case Official, Practitioner level. In the workshop, the Thai delegation shared their knowledge and experiences in the establishment of the Administrative Court, difficulties encountered, and administrative dispute settlement methods. Headings used for organizing content were as follows:

1. Fundamental knowledge of the Administrative Court and administrative cases;
2. Powers and duties of the Administrative Court;
3. Cases within the jurisdiction of the Administrative Court;
4. Six categories of cases within the jurisdiction of the Administrative Court;
5. Decrees given by the Administrative Court;
6. Important characteristics of administrative cases;
7. Evolution of the Administrative Court; and
8. Success of administrative court chambers establishment.





*Mr. Suchart Mongkollertlop, Judge of the Supreme Administrative Court, and Mr. Anucha Hunsawasdikul, Judge of the Administrative Court of First Instance, attached to the Supreme Administrative Court, shared their knowledge and experiences on the establishment of the Administrative Court with the delegation of the Lao PDR during a workshop held from 5 - 6 September 2013, Luang Prabang, the Lao PDR.*





Furthermore, in order to collect data on future cooperation activities, the Thai delegation had meetings and discussions with different organizations of the Lao PDR as follows:

1. The Provincial People's Court of Luang Prabang requested support from the Administrative Court of Thailand on the following matters:

- 1) Technical documents and textbooks for enhancing understanding of the Administrative Court as well as administrative court procedure; and
- 2) Training on administrative law to give Lao judges and relevant personnel knowledge of administrative law.

2. The People's Appellate Court of Northern Region agreed to the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR to ensure justice for people. The People's Appellate Court of Northern Region emphasized the importance of the following matters:

- 1) Special training programmes to enhance knowledge about personnel development to support the Administrative Court;
- 2) Public-relations campaigns about the Administrative Court's roles and duties aimed at every sector, especially judicial organizations;
- 3) Improvement of judicial structures of the Lao PDR;
- 4) Development of relevant laws as there are none which cover administrative court procedure; and
- 5) Supporting operational materials.

3. Delegation of the People's Supreme Court of the Lao PDR proposed a plan to establish an administrative court chamber in the People's Supreme Court of the Lao PDR as follows:

- 1) Set up a commission in charge of collecting data on laws from other countries which can be used to amend Lao law. Mr. Khoun Pasouk, Judge of the People's Supreme Court of the Lao PDR, was assigned to recruit qualified persons to be in the commission. The delegation of the Lao PDR deemed that laws relating to the establishment of administrative court chambers and administrative court procedure should be enacted in the same act as trial and adjudication of cases;





2) Publicize the administrative court chamber's roles as well as duties, people's rights and protection;

3) Enhance knowledge and understanding of the administrative court chamber's roles and duties to officials emphasizing that its establishment does not aim to punish them;

4) Enhance judges and case officers' knowledge of administrative law. Different activities were requested for judges such as training programmes at the Administrative Court of Thailand or study abroad. Thailand was given first priority as there would be no language difficulty when studying; and

5) Enact and amend ministerial regulations as well as organizational rules to be up-to-date and beneficial to Lao society and culture.

4. Representatives from the Offices of the Public Prosecutor felt that the establishment of administrative court chambers was a new matter for the Lao PDR and that it would be necessary to follow an overall plan prepared by the Lao government. The Offices of the Public Prosecutor were pleased to support the establishment of administrative court chambers as it would create another channel through which Lao people could access administrative justice.

5. Representatives of the Ministry of Justice were of the opinion that the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR was a good idea but that a lack of readiness of its personnel and relevant laws on administrative court procedure should be recognized. Nevertheless, as the ASEAN Economic Community was forming, the establishment of administrative court chambers was requested because neighbouring countries had already set up Administrative Courts, i.e. Thailand, Vietnam, and Indonesia. Before setting up the chambers, the State Monitoring Committee in charge of monitoring state officials and their work performance should be invited to draft relevant laws and work in the chambers because of their experiences in monitoring work performance.





6. Representatives of the Ministry of Home Affairs supported the establishment of an administrative court chamber in the People's Supreme Court of Lao PDR. They believed it was important to enhance knowledge and understanding of the roles and duties of the Administrative Court among officials in every sector. It should also be recognized that there were limitations in terms of personnel and that judges and officials should be prepared in order to support the work of the chambers.



## 1.2 Formulation of Technical Cooperation Activities

In order to conduct the activities rapidly and smoothly, the Commission for the Implementation of Memorandum of Understanding on Technical Cooperation between the Office of the Administrative Courts of Thailand and the People's Supreme Court of the Lao PDR collectively considered the following matters:

### 1.2.1 Technical Cooperation Activities

#### 1) Action plan for personnel development

As personnel of the People's Supreme Court of the Lao PDR and other relevant persons had insufficient knowledge and understanding of administrative cases and administrative justice, enhancing their knowledge should be set as the first priority. This would enable them to efficiently perform their duties related trial and adjudication of cases and drafting laws relating to the establishment of administrative court chambers and administrative court procedure. The Commission agreed to conduct training courses on administrative law for personnel of the People's Supreme Court of the Lao PDR in five batches. There was to be 20 trainees in each batch which could be made up of judges who would perform duties in the administrative court chambers, State officials, professors, and other persons as the People's Supreme Court of the Lao PDR saw fit. The details of the training courses in terms of subjects, contents, and scope were set and potential lecturers were selected from the judges of the Supreme Administrative Court and the Administrative Courts of First Instance who had expertise in laws and cases.





## 2) Action plan for drafting the law on the establishment of administrative court chambers and other relevant laws

Relevant laws on the establishment of administrative court chambers, administrative law as well as administrative court procedure are an essential tool for rendering administrative justice. Hence, it was necessary that support be given to the Lao PDR to enact them so that its judges and relevant persons would be empowered to perform their duties for rendering administrative justice. This action plan outlines support to be given in different areas of law for the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR as well as provide a body of knowledge to State agencies and relevant State officials on jurisdiction, categories of cases, missions, as well as major roles and duties of the administrative court chambers. The action plan also aims to indicate the importance of general law as well as relevant laws for trying cases, guaranteeing people's rights and liberties, State officials' work performance in accordance with society, tradition, culture, and national policies of the government.

### 1.2.2 Budget for activities

According to Thai and Lao executives' discussion, and with the Commission's permission, the Office of the Administrative Courts proposed a budget for training courses to cover the costs of lecturers, documents, transportation, accommodation, etc.

With the President of the Supreme Administrative Court's approval, the Office of the Administrative Courts informed the People's Supreme Court of the Lao PDR about training courses and relevant details. The Royal Thai Embassy, Vientiane, the Lao PDR assisted with transportation of trainees from the Lao PDR.

With these details confirmed, support for the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR and technical cooperation activities under the MOU had begun.







# Chapter 2

*Learning and Experience Exchange  
under the Support of the Administrative  
Court and the Office of the Administrative  
Courts (during 2013 – 2014)*



The Administrative Court of Thailand  
and  
The People's Supreme Court of  
the Lao PDR



## Chapter 2

### Learning and Experience Exchange under the Support of the Administrative Court and the Office of the Administrative Courts (during 2013 - 2014)



#### 2.1 Personnel development

According to the action plan, the People's Supreme Court of the Lao PDR intended to establish an administrative court chamber by 2015. The personnel of the People's Supreme Court of the Lao PDR who were selected to participate in the early training courses on administrative law were executives of the People's Supreme Court of the Lao PDR, persons in charge of drafting the law on the establishment of administrative court chambers, and personnel of other organizations, i.e. professors, representatives of ministries, and departments. For the subsequent batches, the trainees were judges of the People's Supreme Court of the Lao PDR at every level and from all provinces. They were to be given fundamental knowledge of administrative law to strengthen their knowledge and understanding.

#### 2.1.1 Training course on the principles of administrative law for personnel of the People's Supreme Court of the Lao PDR (Batch 1)

The Office of the Administrative Courts conducted the training course on the principles of administrative law for personnel of the People's Supreme Court of the Lao PDR (Batch 1) from 20 April to 3 May 2014 at the Administrative Court, Bangkok. There were 17 trainees. Mr. Bouathong Chanhthamalin, Director of Cabinet of the People's Supreme Court of the Lao PDR, was head of the delegation. Other participants from the People's Supreme Court of the Lao PDR were Mr. Khoun Phasouk, Vice - President of the Civil Chamber of the People's Supreme Court of the Lao PDR; Mr. Kang Temsomebaht, Deputy-Director of Personnel-Organization; Ms. Souksavath Bounmaseng,





Deputy-Director of Research and Training Institute. Mr. Bounkhong Phetdaohung, Head of International Relations Sector, Faculty of Law and Political Science, National University also participated.



*Mr. Chamchai Sawangsagdi, Vice-President of the Supreme Administrative Court, gave a lecture on administrative law for personnel of the People's Supreme Court of the Lao PDR (Batch 1) from 20 April to 3 May 2014 at the Administrative Court, Bangkok.*





Mrs. Somridee Thanyasiri, Advisor to the Office of the Administrative Courts, was assigned as the project director.



*Trainees in the training course on administrative law for personnel of the People's Supreme Court of the Lao PDR (Batch 1) and executives of the Administrative Court and the Office of the Administrative Courts, at the Administrative Court, Bangkok*

During the course, the Lao trainees had an opportunity to exchange their opinions with Mr. Suchart Mongkollertlop, Judge of the Supreme Administrative Court, who supervised the action plan for personnel management and monitored the course closely. The trainees requested other intensive training courses because they had only been given fundamental knowledge and understanding of administrative law and administrative court procedure. Therefore, persons in charge of this action plan decided to conduct advanced training courses on administrative law.





*Mr. Suchart Mongkollertlop, Judge of the Supreme Administrative Court, in charge of action plan for personnel management, exchanging opinions with trainees of the Lao PDR*

*Mr. Paiboon Siengkong, Commission Chairperson, participating in the closing ceremony of the training course on administrative law*



After assessing the effectiveness of the training, it was found that the trainees gained knowledge and understanding of the principles of administrative law, public law as well as administrative court procedure. They thought that all subjects were interesting, especially the ones relating to administrative contracts which could be used as a guideline for administrative cases. The trainees felt that all lecturers had knowledge and expertise in administrative cases and were able to share their knowledge and experiences effectively with trainees so that they were able to apply the knowledge gained in their work. The trainees requested a longer training period so that they could study each subject more deeply. They reported that reception and accommodation were very good. They deemed that inquiry into facts carried out by the Administrative Court was the same method used by the People's Supreme Court of the Lao PDR. They also believed that the knowledge





gained from the training would enable the executives of the People's Supreme Court of the Lao PDR to establish an administrative court chamber. The Commission, executives of the Office of the Administrative Courts, and Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, presided over the closing ceremony and presented certificates to trainees.



*Mr. Hassavut Vititviriyakul, President of the Supreme Administrative Court, presided over the closing ceremony and presented certificates to trainees.*

On 2 May 2014, the Office of the Administrative Courts led by Mr. Derekrid Janekrongtham, Secretary-General, as head of Thai delegation and Mr. Bouathong Chanthamalin, Director of Cabinet, the People's Supreme Court of the Lao PDR as head of Lao delegation; discussed technical cooperation activities for fiscal year 2015. The conclusion was that both sides would jointly conduct activities supporting preparations for an administrative court chamber in the People's Supreme Court of the Lao PDR. Preparations needed to be made in three significant areas: personnel, documents relating to laws, and structures. The draft of the action plans/activities were approved. The People's Supreme Court of the Lao PDR proposed the following activities:





- Training courses on administrative law;
- On-the-job-training for personnel of the People’s Supreme Court of the Lao PDR at the Administrative Court of Thailand;
- Project on dissemination of knowledge about the Administrative Court to Lao people, especially state officials;
- Exchange visits between representatives of the People’s Supreme Court of the Lao PDR and the Administrative Court of Thailand;
- Obtaining textbooks on administrative law;
- Scholarships for master’s degrees; and
- Lectures on administrative law given in the Lao PDR by Thai specialists.

### **2.1.2 Training course on the principles of administrative law for personnel of the People’s Supreme Court of the Lao PDR (Batch 2)**

Lao trainees in charge of drafting laws relating to the establishment of an administrative court chamber in the People’s Supreme Court of the Lao PDR were selected to participate in the training course on the principles of administrative law for personnel of the People’s Supreme Court of the Lao PDR (Batch 2) during 7-20 September 2014 at the Administrative Court, Bangkok. Participants were Mr. Khampha Sengdara, Vice - President of the People’s Supreme Court of the Lao PDR, as head of the trainee delegation; Mr. Khoun Phasouk, Vice-President of the Civil Chamber, the People’s Supreme Court of the Lao PDR; Mr. Anisack Vangvichith, Deputy-Director of Cabinet; Mr. Khounsouvanh Southammavong, Deputy-Director of Technical Management; and Mr. Sakon Xayalath, Head of Organization Division. There were also trainees from different organizations, namely Mr. Boulavanh Thepphavong, President of Commercial Chamber of the People’s Appellate Court of Northern Region; and Ms. Chomphanh Chanthavy, Vice-President, the Vientiane Capital People’s Court, District 4. In this regard, Mrs. Ampawan Yuwakarn, Advisor to the Office of the Administrative Courts, was assigned as the project director.





*Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, was a lecturer in the training course on the principles of administrative law for personnel of the People's Supreme Court of the Lao PDR (Batch 2) during 7 - 20 September 2014 at the Administrative Court, Bangkok.*





*Trainees of the Lao PDR in the training course on the principles of administrative law for personnel of the People's Supreme Court of the Lao PDR (Batch 2) during 7 - 20 September 2014 at the Administrative Court, Bangkok*





*Trainees of the Lao PDR visited the Public Law Library and the Administrative Court Museum.*





Group photos of the trainees at the Administrative Court premises





On the occasion of this training course, Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR, together with a delegation, paid a courtesy call on Mr. Piya Patangta, President of the Supreme Administrative Court, in order to exchange opinions and strengthen mutual relations between the two countries.



*Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR paid a courtesy call on Mr. Piya Patangta, President of the Supreme Administrative Court.*





After the training course, the Administrative Court conducted a satisfaction survey. Results showed that the trainees were satisfied with the training and were very confident that they would be able to apply the knowledge gained to their work. They recommended that training hours and study visit hours should be increased, and that training on the operation of a Bureau of Administrative Case Execution, organizational structure and manpower should be added.

At the end of the course, Mr. Paiboon Siengkong, President of a Chamber of the Supreme Administrative Court, presided over the closing ceremony on behalf of the Chairperson of Commission for the Implementation of MOU to offer all trainees participation certificates. Members of the Commission and executives of the Office of the Administrative Courts also attended the ceremony.



*Mr. Paiboon Siengkong, President of a Chamber of the Supreme Administrative Court, presided over the closing ceremony on behalf of Chairperson of Commission for the Implementation of MOU.*





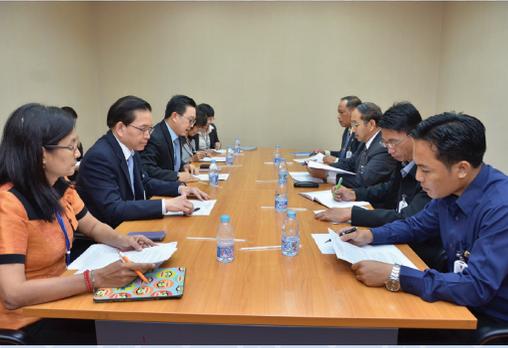
During the training course (Batch 2), Mr. Derekrid Janekrongtham, Secretary-General of the Office of the Administrative Courts, discussed with Mr. Khampha Sengdara, Vice-President of the People's Supreme Court, Head of the People's Supreme Court of the Lao PDR, and all relevant officials about further technical cooperation. Both sides agreed to further activities in the event that the Ministry of Foreign Affairs of Thailand allocated an appropriate budget. Proposed activities included:

- 1) Exchange visits between high-ranking officials and lectures on administrative conflict resolution and the establishment of administrative court chambers;
- 2) Sending experts to consult on legal information;
- 3) Specialized short-term training courses which would be an extension programme of the workshop on knowledge of administrative law;
- 4) Short-term training course based on the Administrative Court's programme provided for personnel of the Administrative Court and the Office of the Administrative Courts;
- 5) Study visits to observe the trial and adjudication of administrative cases at the Khon Kaen Administrative Court; and
- 6) Short-term training course on knowledge of administrative law.

The meeting agreed in principle that arrangements should be made through diplomatic channels between their respective Ministries of Foreign Affairs and a budget for 2015 should be allocated by the Ministry of Foreign Affairs of Thailand.

In preparation for the training course mentioned above, the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR agreed to implement further activities under the MOU on Legal, Judicial, and Administrative Judicial Management Cooperation after the approval of Chairperson of Commission and the President of the Supreme Administrative Court.





*Mr. Derekrid Janekrongtham, Secretary-General of the Office of the Administrative Courts, discussed with Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR, Head of Lao delegation, and relevant officials regarding further technical cooperation.*





## 2.2 Support for the enactment of law on the establishment of administrative court chambers and other related laws

During the training course on administrative law principles provided for relevant personnel in administrative justice of the People's Supreme Court of the Lao PDR (Batch 1) conducted on 2 May 2014, Mr. Somchai Aimotch, Judge of the Supreme Administrative Court; held a discussion with the Legal Information Consulting Working Group, headed by Mr. Bouathong Chanhthamalin, Director of Cabinet of the People's Supreme Court of the Lao PDR, to assist the People's Supreme Court of the Lao PDR in drafting a law on establishment of administrative court chambers and administrative court procedure. It was agreed that legal contents of the Lao PDR necessary for the establishment of administrative court chambers may already exist in their laws but have not been classified yet. Moreover, there are some parts of legal content that need to be completed. Therefore, it was necessary to assign the delegates of the People's Supreme Court of the Lao PDR who completed the training and had experience in the administrative justice system to consider and categorize legal content. In this regard, a delegation was selected for the upcoming visit to the Administrative Court of Thailand, scheduled to take place in August 2014.





*Mr. Somchai Aimotch, Judge of the Supreme Administrative Court, accompanied by delegates, held a discussion with the Legal Information Consulting Working Group, headed by Mr. Bouathong Chanthamalin, Director of Cabinet of the People's Supreme Court of the Lao PDR, on 2 May 2014 in Bangkok.*





Subsequently, the delegation headed by Mr. Somchai Aimotch, was invited to provide advice on the drafting of the law on the establishment of administrative court chambers and related laws for judges and high-ranking officials of the Lao PDR during 21 - 23 August 2014 in Vientiane. This visit was in accordance with the work plan of the Commission for the Implementation of MOU to send administrative law experts to provide advice on legal matters to the People's Supreme Court of the Lao PDR one time within the year 2014. On this occasion, Mr. Bouathong Chanhthamalin, Director of Cabinet of the People's Supreme Court of the Lao PDR, officially welcomed the delegation from the Administrative Court, and Ms. Yuwadee Meksirivich, First Secretary of the Royal Thai Embassy in Vientiane, was also present. During the consultation, the delegation advised on the drafting of the law on the establishment of administrative court chambers and related laws and their experiences with legal principles, central law and some specific laws. The People's Supreme Court of the Lao PDR stressed the importance of enacting a central law and increasing understanding of substantive and conceptual matters relevant to the Administrative Court, especially administrative court procedure, the judge-commissioner of justice and his/her counter-balancing role in deciding a case, and the administration system, including how to make relevant officials understand the law after its enactment. The delegations also discussed some laws in more depth; for example, the land law which is an important issue in the Lao PDR. The People's Supreme Court of the Lao PDR requested further consultation on the drafting of another four important laws in 2015 prior to review and submission to the 8<sup>th</sup> meeting of the National Assembly in 2016.





*Mr. Somchai Aimotch, Judge of the Supreme Administrative Court, accompanied by delegates, was invited to provide advice on the drafting of the law on the establishment of administrative court chambers and related laws for judges and high-ranking officials of the Lao PDR during 21 - 23 August 2014 in Vientiane.*





To comply with the objectives of the MOU, the delegation from the Administrative Court took this opportunity to meet with key persons of the Lao PDR; for instance, Mr. Somboon Sonthikuman, Vice-President of the People's Supreme Court of the Lao PDR, Mr. Chittawan Vongxai, Vice-President of the Vientiane Capital People's Court, representatives of the National Assembly of the Lao PDR and Deputy Dean of the Faculty of Law and Political Science of the National University as well as representatives of the Ministry of Foreign Affairs. The Office of the Administrative Courts helped translate an unofficial version of related laws to facilitate a better understanding of the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR. After returning to Thailand, the Office of the Administrative Courts also provided the People's Supreme Court of the Lao PDR with books, documents, and archives on the background of the establishment of the Administrative Court so that they could conduct a comparative study and prepare for the establishment of administrative court chambers in their courts.



*Mr. Somchai Aimotoch, Judge of the Supreme Administrative Court, accompanied by delegates discussed further collaborations with key persons of the Lao PDR.*







# Chapter 3

*Technical cooperation between the Office  
of the Administrative Courts and the People's  
Supreme Court of the Lao PDR under the support  
of Ministry of Foreign Affairs (2015 - Present)*



The Administrative Court of Thailand  
and  
The People's Supreme Court of  
the Lao PDR



## Chapter 3

### **Technical cooperation between the Office of the Administrative Courts and the People’s Supreme Court of the Lao PDR under the support of Ministry of Foreign Affairs (2015 - Present)**

The Office of the Administrative Courts allocated a budget to support ongoing activities carried out under the MOU on Legal, Judicial, and Administrative Judicial Management Cooperation between the Office of the Administrative Courts and the People’s Supreme Court of the Lao PDR. The Royal Thai Embassy in Vientiane played an important role in coordinating these activities. At the forum of the 18<sup>th</sup> meeting of the Joint Commission on Thai-the Lao PDR Cooperation, the Office of the Administrative Courts discussed with Thailand International Cooperation Agency<sup>3</sup>, Ministry of Foreign Affairs, the possibility of further technical cooperation under budget support from the Ministry of Foreign Affairs of Thailand. Later, Thailand International Cooperation Agency, the Ministry of Foreign Affairs, requested the Office of the Administrative Courts to prepare a 3-year project plan for assisting in the establishment of an administrative court chamber in the People’s Supreme Court of the Lao PDR and to submit its work plan to the Ministry of Foreign Affairs for further consideration.

Subsequently, during 18 - 21 March 2015 at the People’s Supreme Court of the Lao PDR, the Office of the Administrative Courts of Thailand and the People’s Supreme Court of the Lao PDR met to discuss the preparation of a 3-year project plan.

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<sup>3</sup> Previously known as Thailand International Development Cooperation Agency (TICA)





Participants from the Lao PDR were:

1. Mr. Khampha Sengdara Vice - President of the People's Supreme Court of the Lao PDR
2. Mr. Khamchai Jittakon Vice - President of the Civil Chamber, the People's Supreme Court of the Lao PDR
3. Mr. Khoun Phasouk Vice - President of the Civil Chamber, the People's Supreme Court of the Lao PDR
4. Mr. Phomsouvanh Philachanh Director General of Judicial Technical and Statistics Department, the People's Supreme Court of the Lao PDR
5. Mr. Anong Yoysaiykham Deputy Permanent Secretary, the People's Supreme Court of the Lao PDR
6. Mrs. Chanthai Sayyavong Deputy Permanent Secretary, the People's Supreme Court of the Lao PDR
7. Mr. Sengsouliya Phouangphet Head of Protocol and International Cooperation Division, the People's Supreme Court of the Lao PDR
8. Mr. Bounkhong Phetdaohung Head of International Relations Sector, Faculty of Law and Political Science, National University
9. Mr. Chansamone Vorachak Head of Legislature Division, the Office of Supreme Public Prosecutor
10. Mr. Bounpheng Phangvichid Representative of the Government Inspectorate
11. Mr. Dethamnarth Sitthiphon Director General of Organization and Personnel Department
12. Mr. Lakornkaew Volaphet Deputy Head of Protocol and International Cooperation Division
13. Mrs. Anounglin Phetkaisone Representative of Ministry of Home Affairs
14. Mr. Chanpheng Vongsarath Judge Assistant, the People's Supreme Court of the Lao PDR
15. Mr. Bounsavang Xayasane Technical staff, the People's Supreme Court of the Lao PDR
16. Mrs. Vilayphone Phommasack Technical staff, the People's Supreme Court of the Lao PDR





17. Mr. Panthawong Budtasawong Representative of the Ministry of Foreign Affairs
18. Mr. Mithuna Ladsakan Representative of the Ministry of Foreign Affairs

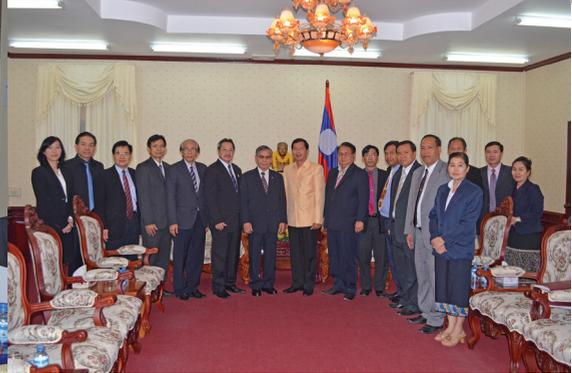
Participants from the Administrative Court were:

1. Mr. Paiboon Siengkong President of a Chamber of the Supreme Administrative Court
2. Mr. Suchat Mongkollertlop Judge of the Supreme Administrative Court
3. Mr. Somchai Aimotch Judge of the Supreme Administrative Court
4. Mr. Praves Ruxsapol Judge of the Administrative Court of First Instance, attached to the Supreme Administrative Court
5. Mr. Anucha Hunswasdikul Judge of the Administrative Court of First Instance, attached to the Supreme Administrative Court
6. Mr. Derekrid Janekrongtham Secretary - General of the Office of the Administrative Courts
7. Mr. Kongphop Sukijbumrung Director of Bureau of Foreign Affairs
8. Ms. Surangkana Hirunwattanasin Director of Bureau of Strategic Management
9. Mrs. Sinpoon Withayawongruchi Acting Director of International Cooperation Group I, Bureau of Foreign Affairs
10. Ms. Kanchana Leelacharakul Administrative Court Official, Bureau of Foreign Affairs
11. Mrs. Sirinard Chunthukthurn Administrative Court Official, Bureau of Foreign Affairs
12. Ms. Panyaanonng Pakpian Administrative Case Official, Bureau of Research and Legal Studies

Observers from Ministry of Foreign Affairs

1. Mr. Chatchavarn Watanakhiri First Secretary, the Royal Thai Embassy, Vientiane
2. Ms. Yuwadee Meksiriwich First Secretary, the Royal Thai Embassy, Vientiane





*Discussion on 3-year project plan with executives of the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR during 18 - 21 March 2015 at the People's Supreme Court of the Lao PDR*





*Discussion on 3-year project plan with executives of the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR during 18 - 21 March 2015 at the People's Supreme Court of the Lao PDR*





In this meeting, both sides agreed to a plan and activities to be implemented under the “3-year project plan under the Technical Cooperation Project for preparing for the establishment of an administrative court chamber in the Supreme People’s Court of the Lao PDR”. The People’s Supreme Court of the Lao PDR then coordinated with the Ministry of Foreign Affairs of the Lao PDR to arrange for receipt of the support from the Ministry of Foreign Affairs of Thailand.



*Mr. Paiboon Siengkong, President of a Chamber of the Supreme Administrative Court and delegation met with the People’s Supreme Court of the Lao PDR in order to consider the 3-year project plan under the Technical Cooperation Project for preparing for the establishment of an administrative court chamber in the Supreme People’s Court of the Lao PDR during 18 - 21 March 2015, in Vientiane.*

On 30 June 2015, the Ministry of Foreign Affairs notified the Office of the Administrative Courts that the 3-year project plan under the Technical Cooperation Project for preparing for the establishment of an administrative court chamber in the People’s Supreme Court of the Lao PDR had been approved and that a budget had been allocated to the Office of the Administrative Courts for such purpose. This assistance was given in compliance with the policy of Thailand to promote good governance in the Lao PDR. Later,





during 25 - 27 October 2015, the Ministry of Foreign Affairs hosted the 20<sup>th</sup> Ministerial-Level Meeting of the Joint Commission (JC) on Bilateral Cooperation between Thailand and the Lao People's Democratic Republic (Lao PDR) and invited the representatives from the Administrative Court to attend the meeting. On this occasion, Mr. Kongphop Sukijbumrung, Director of Bureau of Foreign Affairs, represented the Administrative Court. The meeting officially acknowledged that the Office of the Administrative Courts would be supported by Thailand International Cooperation Agency, Ministry of Foreign Affairs, in the field of legal and judicial cooperation.



Mr. Kongphop Sukijbumrung, Director of Bureau of Foreign Affairs, represented the Administrative Court at the 20<sup>th</sup> Ministerial-Level Meeting of the Joint Commission (JC) on Bilateral Cooperation between Thailand and the Laos People's Democratic Republic (Lao PDR) during 25 - 27 October 2015 in Chiang Rai Province.





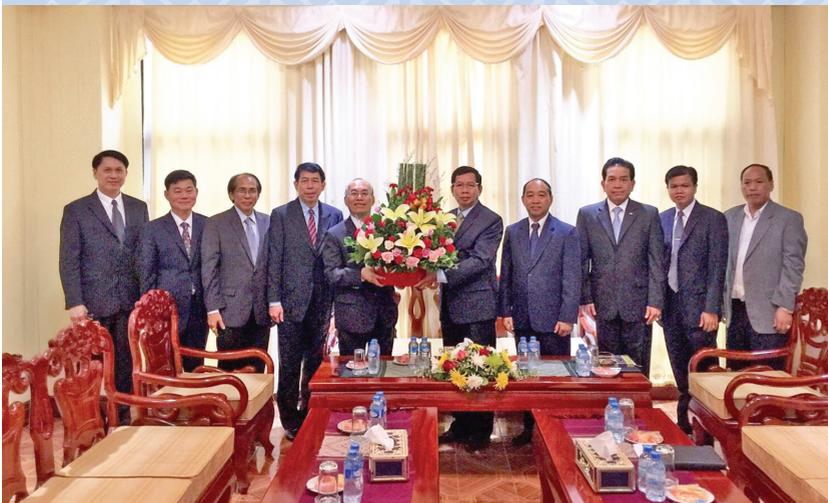
In preparation for the 3-year project plan, executives of judicial organizations from both countries held visits to strengthen ties and follow up on the progress of technical cooperation activities for preparing the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR. During 15 - 16 August 2016, Mr. Piya Patangta, President of the Supreme Administrative Court, and his delegation made an official visit to the People's Supreme Court of the Lao PDR. The delegation was comprised of Mr. Nopadol Hengjareon, President of Environmental Division of the Supreme Administrative Court; Mr. Somchai Aimotch, Judge of the Supreme Administrative Court; Mr. Somchai Wattanagaroon, Judge of the Supreme Administrative Court; Mr. Krairach Ngoeyvijit, Secretary - General of the Office of the Administrative Courts; and Mr. Kongphop Sukijbumrung, Director of Bureau of Foreign Affairs. Apart from the meeting with Mr. Khamphanh Sittthidampha, President of the People's Supreme Court of the Lao PDR, the delegates also paid a courtesy call on Ms. Pany Yathotou, President of the National Assembly, and Mr. Sinai Myunglawan, Vice - President of the State Audit Organization of the Lao PDR. This visit demonstrated the readiness and determination of the People's Supreme Court of the Lao PDR and the Administrative Court to establish an administrative court chamber in the People's Supreme Court of the Lao PDR and support for legal enactment of administrative justice in the People's Supreme Court of the Lao PDR.

During the meeting with the People's Supreme Court of the Lao PDR on 16 August 2016, it was agreed to arrange additional seminars on drafting relevant laws. Each seminar was held for 3 days during November or December 2016 at the Udon Thani Administrative Court. These seminars focused on 1) knowledge of general administrative law principles and administrative court procedure, and 2) general legal issues for drafting laws for the Lao PDR. The meeting also designated 2-3 executives of the Administrative Court to advise the Law Drafting Committee of the Lao PDR and adjusted the 2017 activity plan to support the drafting of laws. To this end, a seminar was held from February - April 2017 in

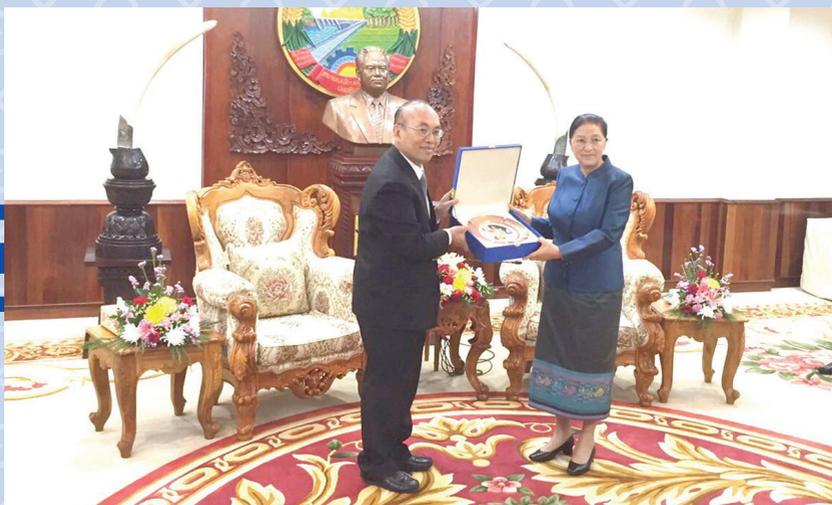




the Lao PDR. The next step was for the Law Drafting Committee of the Lao PDR to propose the bill to the National Assembly to comply with its objectives.



*Mr. Piya patangta, President of the Supreme Administrative Court, and his delegation had a meeting with Mr. Khamphanh Sitthidampha, President of the People's Supreme Court of the Lao PDR, and other Lao delegates.*



*Mr. Piya Patangta, President of the Supreme Administrative Court, presented a token of appreciation to Ms. Pany Yathotou, President of the National Assembly.*





### 3.1 The 3-year project plan under the technical cooperation project to prepare for the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR

When the Administrative Court and the People's Supreme Court of the Lao PDR agreed on activities for the 3-year project plan, their proposal was sent to the Ministry of Foreign Affairs. After their approval, Thailand International Cooperation Agency (TICA), the Ministry of Foreign Affairs, allocated a budget to implement the 3-year project plan from 2016 - 2018. With regard to further implementation, the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR coordinated to determine further details with Thailand International Cooperation Agency (TICA), the Ministry of Foreign Affairs.

Upon consideration of the Commission for the Implementation of MOU, it was proposed that the 3-year project plan be changed from 2 plans to 3 plans and that supervisors and coordinators be designated for each plan in order to efficiently arrange activities. These activities were as follows:

**Plan 1: Support for the enactment of law on establishment of an administrative court chamber and other related laws:** This plan began in fiscal year 2017. Mr. Somchai Aimotch, President of a Chamber of the Supreme Administrative Court and Mr. Praves Ruxsapol, President of a Chamber of the Central Administrative Court, were supervisors. Mrs. Sinpoon Withayawongruchi, Acting Director of International Cooperation Group I, and Mrs. Weerawan Sookviboon, Administrative Court Official, Senior Professional Level, Bureau of Foreign Affairs, were coordinators.

**Plan 2: Personnel Development:** This plan is to be carried out continuously. Mr. Suchat Mongkollertlop, President of a Chamber of the Supreme Administrative Court, and Mr. Anucha Hunswasdikul, President of a Chamber of the Phitsanulok Administrative Court, were supervisors. Ms. Siriwan Kitiwechakul, Director of International Cooperation Group II, and Ms. Kanchana Leelacharakul, Administrative Court Official, Senior Professional Level, Bureau of Foreign Affairs, were coordinators.





**Plan 3: Public relations and support for preparation of the inauguration of an administrative court chamber:** This plan was scheduled to be implemented after the completion of Plan 1 and Plan 2 with Mr. Somchai Wattanagaroorn, Judge of the Supreme Administrative Court and Mr. Kom Buranavorasin, Judge of the Central Administrative Court, as supervisors and Director of International Cooperation Group III, Bureau of Foreign Affairs, as coordinators.

### **3.1.1 Support for the enactment of law on establishment of administrative court chambers and other related laws**

In order to draft the law on the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR and to have it comply with the expectation of the People's Supreme Court of the Lao PDR, the Administrative Court and the Office of the Administrative Courts carried out activities in accordance with the 3-year project plan during 2015 - 2017 as follows:

#### **1) The 1<sup>st</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR**

The delegation of the People's Supreme Court of the Lao PDR was invited to participate in the 1<sup>st</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR during 18 - 19 November 2016 at the Udon Thani Administrative Court, Thailand. This seminar aimed to provide knowledge of administrative law and administrative court procedure. Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR, was head of the delegation. He was accompanied by Mr. Khoun Phasouk, Vice-President of a Chamber of the Civil Court, the People's Supreme Court of the Lao PDR, Mr. Thongmai Mounbundith, President of the Criminal Chamber, and Mr. Bounkhaung Thavisak, Director of Cabinet, the People's Supreme Court of the Lao PDR. In this seminar, Mr. Prasat Pongsuwan, Judge of the Supreme Administrative Court, and Mr. Ruthai Honghiri, President of the Udon Thani Administrative Court, were honoured to be lecturers. Mr. Somchai Aimotch, Judge of the Supreme Administrative Court, and Mr. Praves Ruxsapol, Judge of the Administrative Court of First Instance, as supervisors of the project, also participated in this seminar.





*The 1<sup>st</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR during 18 - 19 November 2016 at the Udon Thani Administrative Court*





สัมมนาเตรียมการร่างกฎหมายที่เกี่ยวข้องกับการจัดตั้งคณะศาลปกครอง  
 และวิธีพิจารณาคดีปกครองของศาลประชาชนสูงสุดแห่งสาธารณรัฐ  
 ประชาธิปไตยประชาชนลาว ณ ศาลปกครองอุดรธานี  
 ครั้งที่ ๑ วันที่ ๑๘-๑๙ พฤศจิกายน ๒๕๕๙



าเตรียมการร่างกฎหมายที่เกี่ยวข้องกับการจัดตั้งคณะศาลปกครอง  
 วิธีพิจารณาคดีปกครองของศาลประชาชนสูงสุดแห่งสาธารณรัฐ  
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 ครั้งที่ ๑ วันที่ ๑๘-๑๙ พฤศจิกายน ๒๕๕๙

*Mr. Prasat Pongsuwan, Judge of the Supreme Administrative Court, and Mr. Ruthai Hongsiri, President of the Udon Thani Administrative Court, were honoured to be lecturers for the 1<sup>st</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People’s Supreme Court of the Lao PDR during 18 - 19 November 2016 at the Udon Thani Administrative Court.*





From the responses by participants to a questionnaire given after the seminar was completed, it was found that the participants viewed that the overall duration of the seminar was appropriate. However, they thought that more time should have been given for the lecture on “Evolution of the Administrative Court of Thailand and Establishment of Petition Council and Petition Council Procedure” as well as for “Administrative Court of Thailand and Administrative Court Procedure (Remedial investigation of Administrative Actions by Judicial Bodies)”. The participants proposed that material and activities on “Establishment of Petition Council for Development of Personnel in charge of Administrative Cases and Administrative Court Procedure” should be added to the training.

## **2) The 2<sup>nd</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People’s Supreme Court of the Lao PDR**

The delegation of the People’s Supreme Court of the Lao PDR was invited to participate in the 2<sup>nd</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People’s Supreme Court of the Lao PDR during 16 - 18 November 2016 at the Udon Thani Administrative Court, Thailand. This seminar covered issues brought up in discussions with the People’s Supreme Court of the Lao PDR as well as problems on drafting the law on establishment of the Administrative Court of Thailand and administrative court procedure. The seminar was led by Mr. Khoun Phasouk, Vice-President of a Civil Chamber, the People’s Supreme Court of the Lao PDR; Mr. Bounkhaung Thavisak, Director of the Cabinet, the People’s Supreme Court of the Lao PDR, and their delegation as well as the Commission for the Implementation of MOU. Mr. Piya Patangta, President of the Supreme Administrative Court, was honoured to attend the seminar and give comments and advice.





*Executives of the Administrative Court of Thailand and the People's Supreme Court of the Lao PDR on the occasion of the 2<sup>nd</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR during 16 - 18 November 2016 at the Udon Thani Administrative Court*



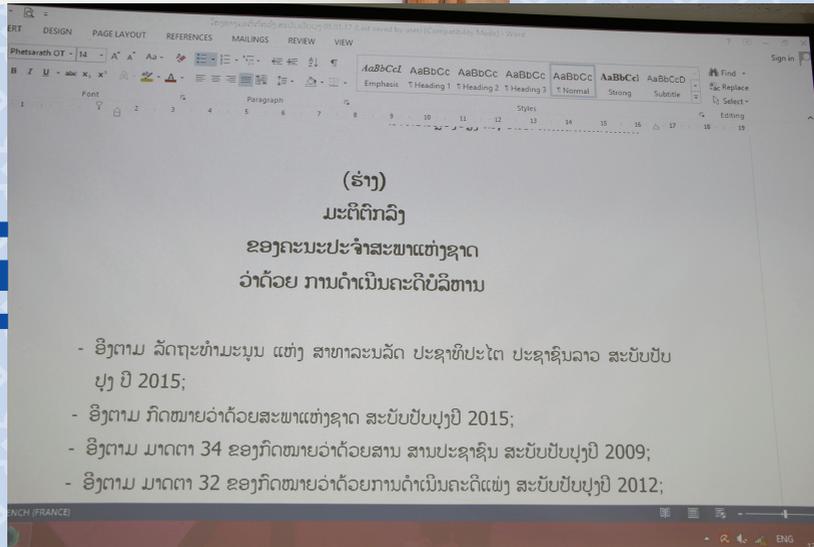


After the seminar, the participants reported that they understood the content of the seminar and viewed that the knowledge gained was beneficial and applicable to their work at the highest level.

### **3) The 3<sup>rd</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR**

The delegation of the People's Supreme Court of the Lao PDR was invited to participate in the 3<sup>rd</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR during 13 - 15 January 2017 at the Udon Thani Administrative Court, Thailand. This seminar aimed to finalize issues raised during the 2<sup>nd</sup> seminar and issues regarding the draft resolution of the National Assembly Committee on administrative court procedure which was to be used as a framework for drafting relevant laws in order to urge the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR in compliance with objectives of the Lao PDR executives. The delegation of the Administrative Court of Thailand was led by Mr. Nopadol Hengjareon, President of Environmental Division of the Supreme Administrative Court, who is Chairperson of the Commission for the Implementation of MOU. The delegation of the Lao PDR, led by Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR, was comprised of Mr. Bounkhaung Thavisak, Director of the Cabinet, the People's Supreme Court of the Lao PDR; Mr. Khamphanh Bounphakhom, President of a Civil Chamber, the People's Supreme Court of the Lao PDR; Mr. Chanthaly Douangvilay, President of a Labour Chamber, the People's Supreme Court of the Lao PDR; Mr. Simmalee Siwongchai, President of a Commercial Chamber, the People's Supreme Court of the Lao PDR; and Mr. Khoun Phasouk, Vice-President of a Civil Chamber, the People's Supreme Court of the Lao PDR and other delegates.





The delegation of the People's Supreme Court of the Lao PDR participating in the 3<sup>rd</sup> seminar on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR during 13 - 15 January 2017 at the Udon Thani Administrative Court





After the seminar, the participants reported that the overall duration of the seminar was appropriate. They suggested that observations of administrative court procedure, in small groups, be added.



*Mr. Khampha Sengdara, Vice - President of the People’s Supreme Court of the Lao PDR, presented a token of appreciation to Mr. Nopadol Hengjareon, President of Environmental Division of the Supreme Administrative Court, who is Chairperson of the Commission for the Implementation of MOU.*



*Mr. Somchai Aimotch, Judge of the Supreme Administrative Court (on the right-hand side) and Mr. Somchai Wattanagaroon, Judge of the Supreme Administrative Court (on the left-hand side) participated in the 3<sup>rd</sup> Seminar on Preparing Laws for the Establishment of an Administrative Court Chamber and Administrative Court Procedure of the People’s Supreme Court of the Lao PDR during 13 - 15 January 2017 at the Udon Thani Administrative Court.*





#### **4) Seminar on drafting law, relevant principles of law and the analysis and preparation of a database system from a survey of laws and types of cases deemed to be administrative cases**

This seminar was organized to be in sequence with the three seminars on preparing laws for the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR at the Udon Thani Administrative Court. On this occasion, Mr. Nopadol Hengjareon, Vice-President of the Supreme Administrative Court on behalf of Chairperson of the Commission for Implementation of MOU, together with Mr. Somchai Aimotch, Judge of the Supreme Administrative Court, Mr. Somchai Wattanagaron, Judge of the Supreme Administrative Court, Mr. Prasat Pongsuwan, Judge of the Supreme Administrative Court, Mr. Ruthai Hongsiri, President of the Udon Thani Administrative Court, Mr. Praves Ruxsapol, President of a Chamber of the Central Administrative Court, and delegates participated in the seminar during 10 - 12 May 2017 in Vientiane, the Lao PDR. Lao delegation was led by Mr. Khampha Sengdara, Vice-president of the People's Supreme Court of the Lao PDR, and included Mr. Khamchai Jittakon, President of a Criminal Chamber, judges of the People's Supreme Court of the Lao PDR, delegates in charge of drafting law on the establishment of an administrative court chamber and administrative court procedure of the People's Supreme Court of the Lao PDR and related persons from various agencies. This seminar was a discussion on the draft resolution of the National Assembly Standing Committee focusing on administrative court procedure which was developed in the preceding three seminars. During the seminar, the People's Supreme Court of the Lao PDR presented and clarified the details of each section of the draft resolution on administrative court procedure proposed by the National Assembly Standing Committee. After that, the delegation from the Administrative Court gave their comments and recommendations to the People's Supreme Court of the Lao PDR. Representatives from the State Inspection Authority, Inspection Department of the Ministry and ministry-level organizations also attended this seminar.





*Seminar on drafting law, relevant principles of law and the analysis and preparation of a database system from a survey of laws and types of cases deemed to be administrative cases during 10 - 12 May 2017 in Vientiane*





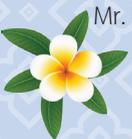
*Closing ceremony for seminar on drafting law, relevant principles of law and the analysis and preparation of a database system from a survey of laws and types of cases deemed to be administrative cases during 10 - 12 May 2017 in Vientiane*





*Executives of the Administrative Court of Thailand and the People's Supreme Court of the Lao PDR during 10 - 12 May 2017 in Vientiane*

After carrying out activities on the work plan for drafting the law on the establishment of administrative court chambers as well as other relevant laws, the draft resolution of the National Assembly Standing Committee on the establishment of an administrative court chamber and administrative court procedure was made by the People's Supreme Court of the Lao PDR and submitted to the National Assembly. On 7 February 2019, the National Assembly subsequently approved the resolution to establish the administrative court chambers in the People's Supreme Court of the Lao PDR, the People's Appellate Court of Middle Region and the Vientiane Capital People's Court and designated personnel to work in each administrative court chamber. Later, the Lao PDR conducted a survey in government and relevant agencies to determine what amendments should be made to the bill on administrative court procedure and submitted the final draft to the National Assembly for consideration. After its approval, the National Assembly submitted the bill to the President of the Lao PDR for consideration and affixing of signature before its promulgation. On 19 March 2021, the bill was signed into law by Mr. Boonyoung Volachid, President of the Lao PDR. As a result, the People's Supreme





Court of the Lao PDR was then able to successfully establish the administrative court chambers and administrative court procedure.

### 3.1.2 Personnel Development

The Office of the Administrative Courts organized training on administrative law and administrative justice for personnel of the People's Supreme Court of the Lao PDR and related parties under the budget allocation of the Ministry of Foreign Affairs. The training was divided into three courses for practitioner level, at the Administrative Court, Bangkok. The name for subsequent training was changed to "Knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials". The three training courses for high-ranking officials at the Lao PDR were as follows:

#### 1) Training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials

##### (1) Training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 3)

The training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 3) was held during 3 - 16 July 2016 at the Administrative Court, Bangkok. There were 20 participants. Mrs. Kesone Phanlak, President of the Family Chamber, the People's Supreme Court of the Lao PDR, was the head of the delegation. She was accompanied by Mr. Phongurn Chanthanakhone, Deputy Director of Research and Training Institute and Mr. Sisavat Souikeomixay, Deputy Director of the Department of the People's Supreme Court Employees Recruitment (Deputy Head of the delegation), Mr. Vongtavan Chanthavong, Vice-President of the People's Court of Attapeu Province, and Mr. Bouavone Sihavong, Vice-President of the Vientiane Capital People's Court, District 2. Participants learned about administrative cases, administrative court procedure and the judicial process.





*Personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 3) held during 3 - 16 July 2016 at the Administrative Court, Bangkok*

At the end of the training, Mr. Piya Patangta, President of the Supreme Administrative Court, presented certificates to all trainees. The Commission for the implementation of MOU and executives of the Office of the Administrative Courts and representatives of the Ministry of Foreign Affairs also attended the closing ceremony.





## (2) Training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 4)

The training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 4) was held during 21 May - 3 June 2017 at the Administrative Court, Bangkok. There were 20 participants. Mr. Sisavanh Luangrath, Director of Research and Training Institute of the People's Supreme Court of the Lao PDR, was the head of the delegation. Other participants included Mrs. Thansamay Samounty, Vice-President of the Juvenile Chamber, the People's Supreme Court of the Lao PDR; Mrs. Souvanh Thoummalath, President of the Family Chamber, the Vientiane Capital People's Court; Mr. Sonesai Hoisordum, Judge of the Provincial People's Court of Savannakhet and Mr. Sulisid Khampui, Judge of the Provincial People's Court of Champasak.



*Training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 4) was held during 21 May - 3 June 2017 at the Administrative Court, Bangkok.*





Mr. Piya Patangta, President of the Supreme Administrative Court, invited Mr. Khamphanh Sitthidampha, President of the People's Supreme Court of the Lao PDR, and his delegation to visit the Administrative Court during 1 – 3 June 2017. During the training, there were discussions regarding the activities under the 3-year project plan for the preparation of the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR.



*Mr. Khamphanh Sitthidampha, President of the People's Supreme Court of the Lao PDR, paid a visit to the Administrative Court on 1 - 3 June 2017 to discuss technical cooperation for the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR.*





After the training, Mr. Piya Patangta, President of the Supreme Administrative Court, presented certificates to the participants. Mr. Khamphanh Siththidampha, President of the People's Supreme Court of the Lao PDR, and his delegation, Mr. Lee Boonkam, Ambassador of the Lao PDR to the Kingdom of Thailand, the Steering Committees, executives of the Office of the Administrative Courts, and representatives of the Ministry of Foreign Affairs also attended the closing ceremony.



*Mr. Piya Patangta, President of the Supreme Administrative Court, presented certificates and had photos taken with the participants at the Administrative Court, Bangkok.*





### (3) Training course on knowledge of administrative law for personnel in the administrative justice system of the People's Supreme Court of the Lao PDR and other related officials (Batch 5)

From 19 August to 1 September 2018, 20 representatives from the People's Supreme Court of the Lao PDR led by Mr. Phomsouvanh Philachanh, Director General of Judicial Technical and Statistics Department, the People's Supreme Court of the Lao PDR, and other participants including Mrs. Chansouk Fandisavad, President of the People's Appellate Court of Northern Region; Mr. Thanongsack Rasphone, Vice-President of the People's Appellate Court of Middle Region ; Mrs. Boualian Manyvong, Vice-President of the People's Appellate Court of Southern Region; and Mr. Thepphakone Phapu, President of the Provincial People's Court of Luang Prabang, participated in training at the Administrative Court, Bangkok.



*Training on administrative law principles for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel (batch 5) from 19 August to 1 September 2018 at the Administrative Court, Bangkok*





Mr. Nopadol Hengcharoen, Vice-President of the Supreme Administrative Court, presented certificates to all participants at the end of the training. The Commission for the Implementation of MOU and executives from the Office of the Administrative Courts were also at the closing ceremony.



*Participants received certificates and had their photos taken with executives from the Administrative Court and the Office of the Administrative Courts.*

The evaluation of training for batches 3 - 5 is divided into two parts: (1) evaluation by the Ministry of Foreign Affairs, and (2) evaluation by the Office of the Administrative Courts. Following is a summary of the evaluations:





Participants thought that the meeting was worthwhile because the People’s Supreme Court of the Lao PDR had expressed its determination to establish an administrative court chamber and had made efforts to prepare personnel to work in the chamber. This was reflected in the qualifications of participants who were senior judges and responsible at the regional and district levels, as well as those who were candidates for judicial positions. Whether or not the draft of the establishment of administrative court chambers can be completed within the timeframe, the knowledge gained by the participants from the training played an important role in improving understanding of administrative justice. All stakeholders in the Lao PDR’s justice system would recognize people’s rights and public interests, which would aid in pushing for good governance in all sectors and eventually lead to a legal state in accordance with the Lao PDR’s master plan for legal development. This project was supported by the Ministry of Foreign Affairs’ Thailand International Cooperation Agency, demonstrating the Ministry’s genuine interest in this international relationship.

Observing and questioning the participants revealed that they gained more knowledge and understanding of administrative law principles and procedures and were able to apply what they had learned once the administrative court chambers were established. Furthermore, they proposed adding more topics and content, such as an overview of administrative law principles, administrative court procedure and the future development of the Administrative Court system, which are related to real practices, as well as adding more time for the training to allow for questioning and discussion with the speakers.





## 2) Advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel

According to the evaluation results of the training courses, participants in batches 1 and 2 wanted more in-depth training regarding administrative cases and administrative court procedure. Therefore, the human resource development planning team subsequently designated more topics and speakers and designed a hybrid session in which seminars and lectures were incorporated to enhance the participants' understanding of the adaptation of laws to suit their context. As a result, the speakers developed a thorough understanding of the adaptation of laws as well as the process of establishing the Administrative Court so that they could provide recommendations and opinions on the initial phase of dealing with administrative cases. The main speakers in the training were Mr. Charnchai Sawangsagdi and Mr. Vorapot Visrutpich, Vice-Presidents of the Supreme Administrative Court, who were both key figures in laying the foundations for the establishment of the Administrative Court and the Office of the Administrative Courts.

There were three advanced training sessions dealing with administrative law principles. The first training was held in Vientiane, the second in Luang Prabang, a major city in the country's north, and the third in Champasak, a major city in the country's south. This was done to raise awareness in different regions about the preparations for the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR.

### (1) Advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel (Batch 1)

The training was held for the first time in Vientiane, Lao PDR, on 3 - 5 August 2016. The training drew 26 participants and two observers from the People's Supreme Court of the Lao PDR. The lectures were delivered by Mr. Charnchai Sawangsagdi and Mr. Vorapot Visrutpich, both Vice-Presidents of the Supreme Administrative Court.





*Mr. Charnchai Sawangsagdi and Mr. Vorapot Visutpich, both Vice Presidents of the Supreme Administrative Court, gave lectures for advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel on 3 – 5 August 2016, in Vientiane, Lao PDR.*

Following the training, a certificate presentation ceremony was held. The certificates were presented by Mr. Charnchai Sawangsagdi, Vice-President of the Supreme Administrative Court. Mr. Khamphanh Sitthidampha, President of the People's Supreme Court of the Lao PDR, and other executives also attended the ceremony.





*Advanced training course on knowledge of principles of administrative law, batch 1, on 3 - 5 August 2016, in Vientiane, Lao PDR*







According to the evaluation of this training session, the participants gained a better understanding of administrative law principles and administrative court procedure. However, due to some differences in context between Thailand and the Lao PDR, some issues in the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR had to be considered; for example, what types of disputes it should cover, the division of court levels, case adjudication procedures, and court fees. One of the interesting points was that the participants expressed a desire to receive assistance in organizing a specific group seminar at least once in 2016 with speakers from the Administrative Court who had played an important role in the establishment of the Administrative Court and had expertise in the Order of the Petition Committee on Procedures for Adjudication and Decision Making, which served as a foundation for designing the current administrative case procedures. This seminar aimed to share knowledge and experience in dealing with the problems and obstacles encountered during the establishment process of the Administrative Court. The participants selected for training were directly involved in the public sector or the government of the Lao PDR so that they could understand the concept, scope of power, and appropriate administrative court procedure that were agreed upon by all stakeholders. This was also done to ensure that an administrative court chamber in the People's Supreme Court of the Lao PDR was established successfully and on time.

On 3 August 2016, Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, and the delegates, including Mr. Suchat Mongkollertlop, President of a Chamber of the Supreme Administrative Court, and Mr. Anucha Hunswasdikul, Judge of the Central Administrative Court, paid a courtesy call and exchanged opinions with Mr. Khamphanh Sitthidampha, President of the People's Supreme Court of the Lao PDR. Both parties expressed their views on the establishment of administrative court chambers. The information obtained through the exchange of opinions was used to designate seminar topics and opinion exchanges during the training.





*Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, and the delegates paid a courtesy call and exchanged opinions with Mr. Khamphanh Sittidampha, President of the People's Supreme Court of the Lao PDR, on 3 August 2016, in Vientiane, Lao PDR.*

(2) Advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel (Batch 2)

The second training was held on 5 - 8 November 2017, in Luang Prabang, the Lao PDR, with 30 participants.





*Mr. Chamchai Sawangsagdi and Mr. Vorapot Visrutpich, both Vice-Presidents of the Supreme Administrative Court gave lectures for advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel (Batch 2), on 5 - 8 November 2016, in Luang Prabang, Lao PDR.*





A certificate presentation ceremony was held following the training. Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, presented the certificates. Mr. Khoun Phasouk, Vice-President of the Civil Court Chamber of the People’s Supreme Court of the Lao PDR, also attended the ceremony.

**ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ**  
**ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນາຖາວອນ**

ການຝຶກອົບຮົມຫຼັກສູດຄວາມຮູ້ກ່ຽວກັບຫຼັກກົດໝາຍ  
 ປົກຄອງລະດັບສູງ ໃຫ້ພະນັກ ສາມປະຊາຊົນ ແຫ່ງ ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ  
 ວັນທີ 6-8 ພະຈິກ 2017 ທີ່ ແຂວງ ຫຼວງພະບາງ



*Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, presented the certificates to the participants.*





(3) Advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel (Batch 3).

The third training was held on 9 - 12 January 2019, in Champasak, the Lao PDR.



*Mr. Chanchai Sawangsagdi and Mr. Vorapot Visrutpich, both Vice-Presidents of the Supreme Administrative Court gave lectures for advanced training course on knowledge of principles of administrative law for administrative justice personnel in the People's Supreme Court of the Lao PDR and other related personnel (Batch 3), on 9 - 12 January 2019, in Champasak, Lao PDR*





A certificate presentation ceremony was held following the training. Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, presented the certificates. Mr. Kampa Saengdara, Vice-President of the People's Supreme Court of the Lao PDR and other executives, also attended the ceremony.



*The Thai and Lao executives had photos taken with the participants.*





From the consultations with executives of the People's Supreme Court of the Lao PDR, comprising Mr. Khampha Sengdara, Vice-President of the People's Supreme Court of the Lao PDR; Mr. Khoun Phasouk, Vice-President of the Civil Chamber of the People's Supreme Court of the Lao PDR; and other related persons, it was found that it was necessary to organize training on administrative law principles and administrative court procedure both at the beginner and advanced levels for all stakeholders in various sectors. Such training was particularly important for public prosecutors who performed the role of judge-commissioners of justice and court registrars. No public prosecutors attended the previous training sessions as designated in the draft Decree of the President of the Lao PDR on the Administrative Court Procedure. Because of the fact that the judge-commissioners of justice and court registrars, who have important roles in administrative justice, did not attend any training at all, executives of the People's Supreme Court of the Lao PDR asked for further technical support from the Administrative Court. The Thai delegation expressed their willingness to provide technical support and requested the People's Supreme Court of the Lao PDR to prepare a project plan in order to request support from the Ministries of Foreign Affairs of both countries.



*Executives of the Administrative Court of Thailand and the People's Supreme Court of the Lao PDR had a photo taken after the consultation.*





### 3.1.3 Publicizing information and preparation support for the inauguration of the administrative court chambers

The Office of the Administrative Courts also devised five activity plans to promote and support the administrative court chambers' opening. These activities aimed to prepare personnel from every sector prior to the launch of an administrative court chamber in People's Supreme Court of the Lao PDR. One aspect of the preparation was to disseminate knowledge and understanding of the reasons and necessity for the establishment of administrative court chambers, its power and duties, roles, and related laws to judges, assistant judges, court registrars, court clerical officers, and other related state officers. In addition, the public was informed of the administrative court chamber's powers and duties, as well as their rights as citizens and how to protect those rights. Four of the aforementioned five activity plans have already been carried out with funding from the Thailand International Cooperation Agency, Ministry of Foreign Affairs, as follows:

#### **1) Short-term internship programme on administrative justice (court clerical work, registry work, litigation process, trial and adjudication, case management, and IT system)**

A delegation from the People's Supreme Court of the Lao PDR participated in the programme from 19 to 25 November 2017, at the Udon Thani Administrative Court. The Thai side was led by Mr. Nopadol Hengcharoen, Vice-President of the Supreme Administrative Court, and Mr. Somchai Wattanagaroon, Judge of the Supreme Administrative Court. In this programme, Mr. Boonkwang Taweesak, Head of Department, the People's Supreme Court of the Lao PDR, gave a lecture on the "Substance of the Draft Resolution of the Delegation Attached to the National Council on Administrative Justice".





กรมการปกครอง

ระหว่างวันที่ 20-25 พฤศจิกายน 2560



*A short-term internship programme on administrative justice (court clerical work, registry work, litigation process, trial and adjudication, case management, and IT system) on 19 to 25 November 2017 at the Udon Thani Administrative Court*





*A short-term internship programme on administrative justice (court clerical work, registry work, litigation process, trial and adjudication, case management, and IT system) on 19 - 25 November 2017 at Udon Thani Administrative Court*





During the programme, the Lao delegation visited the workplaces of court clerical workers, registrars, and case adjudication staff in Udon Thani Administrative Court.



*The Lao delegation visited workplaces in the Udon Thani Administrative Court*





According to the programme evaluation, participants found the content to be highly useful and could adapt what they learned to their work. The majority of trainees thought that the length of time for each training topic should be increased. Mr. Sumeth Deoisres, Vice-President of the Udon Thani Administrative Court, presented certificates to the trainees at the end of the training.



*Mr. Sumeth Deoisres, Vice-President of the Udon Thani Administrative Court, presented certificates to the trainees in the internship programme on administrative justice at the Udon Thani Administrative Court.*





During the short-term internship programme, there were also relationship - strengthening activities.



*Relationship - strengthening activities*





### *Relationship - strengthening activities*

#### **2) Seminar for judges, assistant judges, and public prosecutors on enhancing better understanding of administrative court procedure**

The Office of the Administrative Courts hosted a distance-based seminar to enhance better understanding of administrative court procedure among judges, assistant judges, and public prosecutors in the Lao PDR on 10 March 2022. This seminar was broadcast via Zoom from Seminar Room 1, the 11<sup>th</sup> Floor, the Administrative Court Premises, Bangkok. Mr. Suchat Mongkollertlop, Vice-President of the Supreme Administrative Court; Mr. Somchai Wattanagaroon, President of the Supreme Administrative Court's Budgetary and Financial Discipline Division; and Mr. Prasat Pongsuwan, President of a Chamber of the Supreme Administrative Court, were among the distinguished speakers from the Administrative Court. Mr. Bounkhouang





Thavisack, Vice-President of the People's Supreme Court of the Lao PDR; Mr. Khoun Phasouk, President of the Administrative Court Chamber of the People's Supreme Court of the Lao PDR; and judges, assistant judges, and public prosecutors were among the Lao participants.



*Mr. Suchat Mongkollertlop, Vice-President of the Supreme Administrative Court; Mr. Somchai Wattanagaron, President of Budgetary and Financial Discipline Division of the Supreme Administrative Court; and Mr. Prasat Pongsuwan, President of a Chamber of the Supreme Administrative Court, gave a distance-based lecture on administrative court procedure at the Administrative Court Premises, Bangkok.*

The evaluation for this seminar revealed that the participants were highly satisfied with the seminar content as well as the knowledge of the speakers. They also stated that the next seminar on administrative court procedure should be held on-site, that the content was highly useful, and that more judges and assistant judges of the Lao PDR should be able to attend the seminar.





### 3) Seminar for high-level executives of relevant government agencies

The Office of the Administrative Courts organized a seminar for high-level executives of relevant government agencies on 1-2 August 2022 at Landmark Riverside Hotel, Vientiane, Lao PDR. Professor Dr. Viengthong Siphandone, President of the People’s Supreme Court of the Lao PDR, gave the opening remarks. Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, delivered a lecture on “Fundamental Principles of Administrative Law, Authorities of Administrative Court Chambers and the Exercise of Administrative Power by Officials and State Established Organizations, and the Resolution of the National Assembly Standing Committee on the Establishment of the Administrative Court Chambers” via Zoom videoconferencing platform from the Administrative Court, Bangkok. Mr. Suchat Mongkollertlop, Vice-President of the Supreme Administrative Court; Mr. Somchai Wattanagaroon, President of Budgetary and Financial Discipline Division of the Supreme Administrative Court; Mr. Ruthai Hongsiri, Judge of the Supreme Administrative Court; and Mr. Anucha Hunswasdikul, President of the Chiang Mai Administrative Court, were also co-speakers.



*A seminar for high-level executives of relevant government agencies on 1-2 August 2022 at Landmark Riverside Hotel, Vientiane, Lao PDR*





*Professor Dr. Viengthong Siphandone, President of the People's Supreme Court of the Lao PDR, gave the opening remarks.*



*Mr. Vorapot Visrutpich, Vice-President of the Supreme Administrative Court, delivered a lecture via Zoom videoconferencing platform.*





*Mr. Suchat Mongkollertlop, Vice-President of the Supreme Administrative Court; Mr. Somchai Wattanagaron, President of Budgetary and Financial Discipline Division of the Supreme Administrative Court; Mr. Ruthai Hongsiri, Judge of the Supreme Administrative Court; and Mr. Anucha Hunswasdikul, President of the Chiang Mai Administrative Court, joined Mr. Vorapot Visrutpich in delivering a lecture.*





According to the evaluation of this seminar, the participants stated that the lecture topic was relevant to their interests and that they could apply the content to their work at the highest level. Most participants agreed that the seminar should be repeated because it provides a forum for knowledge exchange and is beneficial to judges, court personnel, and other relevant personnel.

#### **4) Seminar on disseminating information on the role of administrative court chambers and preparation of administrative court proceedings manual**

Concurrently with the abovementioned seminar, the Office of the Administrative Courts organized a seminar which aimed at assisting the preparation for the dissemination of knowledge and understanding about the administrative court chambers to the public, as well as the compilation of an administrative court proceedings manual on 1-2 August 2022, at Landmark Riverside Hotel, Vientiane, Lao PDR. Mr. Khamphanh Bounphakhom, Vice-President of the People's Supreme Court of the Lao PDR gave the opening remarks. Mr. Prasat Pongsuwan, President of a Chamber of the Supreme Administrative Court; Mr. Kom Buranavorasin, President of a Chamber of the Khon Kaen Administrative Court; and Mrs. Wallapat Svetarundra, Director of Bureau of Public Relations, were among the speakers. A workshop on planning the public relations projects and creating informational media was also arranged for the participants.

An evaluation of the seminar revealed that the seminar content matched the participants' interests and could be applied to their work at the highest level. They also stated that the seminar was very well-organized and that its length should be increased.





# Landmark Riverside Hotel, Vientiane 1 - 2 August 2022



*A seminar for assisting in preparations for dissemination of knowledge about the administrative court chambers to the public, as well as the compiling of an administrative court proceedings manual on 1-2 August 2022, at Landmark Riverside Hotel, Vientiane, Lao PDR*





In concurrence with the seminars, Mr. Suchat Mongkollertlop, Vice-President of the Supreme Administrative Court, also paid a courtesy call on Professor Dr. Viengthong Siphandone, President of the People’s Supreme Court of the Lao PDR, on 2 August 2022, at the People’s Supreme Court of the Lao PDR.



*Mr. Suchat Mongkollertlop, Vice-President of the Supreme Administrative Court, paid a courtesy call on Professor Dr. Viengthong Siphandone, President of the People’s Supreme Court of the Lao PDR, on 2 August 2022, at the People’s Supreme Court of the Lao PDR.*

Throughout, both the Office of the Administrative Courts and the People’s Supreme Court of the Lao PDR carried out activities as specified in the 3-year project plan. They have both supported the exchange of experiences and ideas in order that the project’s implementation be in accordance with the designated plan. However, due to the COVID-19 pandemic, the last activity -- a short-term seminar and training course for judges of the administrative court chambers, assistant judges, registrars, and public prosecutors to be held at the Administrative Court Premises and the Rayong Administrative Court -- was postponed. As a result, the Thailand International Cooperation Agency, Ministry of Foreign Affairs, approved an extension of the project through to 2023 so that the last activity could be completed as part of the work plan on publicizing information and supporting the inauguration of the administrative court chambers.







*Chapter*  
**4**

*Success*



The Administrative Court of Thailand  
and  
The People's Supreme Court of  
the Lao PDR



# Chapter 4

## Success

There have been numerous successes in the activities carried out as part of the technical cooperation project on establishing an administrative court chamber in the People's Supreme Court of the Lao PDR which was carried out under a collaboration between the Administrative Court of Thailand and the People's Supreme Court of the Lao PDR. The most notable success, in accordance with the main goal of the technical cooperation project, was that the Lao PDR was able to successfully establish an administrative court chamber in the People's Supreme Court. However, success is not limited to only the project's main objectives; there are other successes that were later incorporated into the project's main objectives as well as other successes that resulted in benefits to the Lao people in general. These successes are as follows:



### 4.1 Success in developing and producing quality personnel

Executives of the Administrative Court and the Office of the Administrative Courts determined that, in order to establish the administrative court chambers, judges and related personnel must gain a better understanding of the Administrative Court's roles and duties, administrative law principles, and administrative court procedure. The Administrative Court's executives, therefore, approved the development of judges and personnel scheduled to work in an administrative court chamber in the People's Supreme Court of the Lao PDR and also advised on the drafting of relevant laws. There were five batches of trainees to receive training in administrative law principles as well as three batches to receive advanced training in administrative law principles totalling over 180 participants in all. Moreover, in order to increase the trainees' potential for drafting the law on the establishment of administrative court





chambers, administrative law, and administrative court procedure; the Administrative Court's executives organized three seminars at the Udon Thani Administrative Court. There were more than 40 participants attending these seminars. In addition, a seminar was conducted on related law principles and creating a database of types of laws and cases falling into the category of administrative cases with more than 50 participants attending. Data was drawn from the State Inspection Authority, Inspection Department of the Ministry, and ministry-level organizations in Vientiane. A short-term internship programme on administrative justice (court clerical work, registry work, litigation process, trial and adjudication, case management, and IT system) was also organized at the Udon Thani Administrative Court, which was attended by 20 personnel. It was seen that personnel development is critical in assisting judges and personnel in developing an understanding of administrative law principles and administrative court procedure. As a result of these training seminars and courses, judges and personnel of the People's Supreme Court of the Lao PDR were able to effectively apply their newly acquired knowledge in the course of their work.



#### **4.2 Success in enacting laws related to the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR**

Laws on the establishment of administrative court chambers, administrative law, and administrative court procedure are critical to the development of administrative justice. The People's Supreme Court of the Lao PDR amended and created the following laws on the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR:

- 1) Amendments to laws on the People's Supreme Court of the Lao PDR regarding the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR. These amendments were approved by the National Assembly in May 2017.





2) The adoption of a new law on the resolution of the National Assembly Standing Committee on the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR. This law designated the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR, the People's Appellate Court of Middle Region, and the Vientiane Capital People's Court. It also appointed staff to work in the administrative court chambers. The resolution was approved on 7 February 2019.

3) The adoption of Decree of the President of the Lao PDR on the Administrative Court Procedure which was approved by the National Assembly on 19 March 2021.

The abovementioned amendment of laws and enactment of new laws enabled the Lao PDR to successfully establish the administrative court chambers and have administrative law and administrative court procedure to adjudicate administrative cases in the Lao PDR.



### **4.3 Success in strengthening international relations and establishing cooperation between the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR**

Activities under the technical cooperation project for the preparation for the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR have greatly strengthened cordial cooperation between Thailand and the Lao PDR. The project was funded by the Thailand International Cooperation Agency, the Ministry of Foreign Affairs. The 20<sup>th</sup> Thailand-the Lao PDR Joint Commission Meeting officially announced Thailand's support for the Lao PDR in the fields of law and justice during the Senior Official Meeting (SOM) and Ministerial Meeting. In this regard, the implementation of activities was in accordance with the Thailand International Cooperation Agency's main responsibilities in administering international development projects between Thai and foreign governments; expanding Thailand's role as





a strategic partner in international development on the international stage; and integrating Thailand's international development cooperation in accordance with government policy in promoting and developing relationships with foreign countries, especially its neighbouring countries, both at national and people-to-people levels. The technical cooperation under the project demonstrates the success in strengthening good cooperation between the two countries in addition to their long-lasting understanding and relationships in terms of language and culture. Relationships were tightened in every way, and both countries worked together to elevate their relationships to the level of strategic partners for sustainable growth and development. The 70<sup>th</sup> anniversary of the establishment of Thailand-the Lao PDR diplomatic relations was celebrated on 19 December 2020. Furthermore, under the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation signed on 25 February 2013, the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR collaborated on activities carried out under the MOU to expand mutual assistance, the promotion of legal and court cooperation, and administrative judicial administration through mutual exchange of experiences, acts, decrees, regulations, academic papers, and other related reports. The Office of the Administrative Courts will provide cooperation and support in legal education, as well as increase knowledge and expertise in the administrative law curriculum to judges and officials of the People's Supreme Court of the Lao PDR and Lao lawyers. In this connection, this technical cooperation did not end with the promulgation of the President of the Lao PDR's Act on Administrative Court Procedure, but both agencies will continue to work together under the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation.





#### 4.4 Success in the protection of rights and liberties of the people

All government agencies, whether legislative, executive, or judicial in nature, must ensure and protect the rights and liberties of the people. The curtailment of people's rights and liberties can be done when power is granted by laws and only within the scope specified by laws. The laws that curtail people's rights and liberties must be lawfully enacted and cannot affect the essence of the rights and liberties. Furthermore, the organization that uses judicial power must be able to assess the legitimacy of the actions of government agencies. People's rights and liberties must be protected and limited in accordance with legal provisions. The assessment of legitimacy is also a component of the rule of law and legal state principles. As a result, the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR, the People's Appellate Court of Middle Region, and the Vientiane Capital People's Court to assess the actions of administrative agencies demonstrates that the Lao PDR values the rule of law and legal state principles as guarantees of people's rights and liberties, as well as the rule by law principle, which ensures that rulers and people are equal before the law in the Lao PDR.

Technical cooperation between the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR is an activity that helps strengthen cooperation between the two countries, especially between judicial organizations. The Administrative Court has cooperated and supported the People's Supreme Court of the Lao PDR in establishing an administrative court chamber in accordance with the Memorandum of Understanding on Legal, Judicial, and Administrative Judicial Management Cooperation which is in line with the Administrative Court's 4<sup>th</sup> Strategic Plan (2015 - 2018) and the Office of the Administrative Courts' 5-year Action Plan (2018 - 2022). These plans promote the Administrative Court as the centre of cooperation on court and technical matters related to administrative justice in the ASEAN region and/or as the supporter and aid provider in terms of the establishment of administrative courts or chambers in ASEAN member countries. "The extension and elevation





of cooperation on court and technical matters, as well as the creation of international acceptance and the excellence of research and innovation for the development of court administration and administrative justice,” is the primary development goal. Moreover, the Thailand International Cooperation Agency, Ministry of Foreign Affairs, as the representative of the Thai Government, played an important part in lending cooperation and support on the activities under the technical cooperation project on preparation for the establishment of an administrative court chamber in the People’s Supreme Court of the Lao PDR, especially through budget support in implementing activities and international coordination. As a result, the Lao PDR was able to change its justice process in accordance with the resolution of the 9<sup>th</sup> General Assembly of the Lao People’s Revolution Party, and the master plan in the development of a legal state for the Lao PDR. It is in line with building a legal state “Of the people, by the people, for the people”, as well as in line with changing socioeconomic contexts and creating the foundation for the expansion of trade and investment. Furthermore, this is consistent with the ASEAN Charter’s objectives of promoting democracy, increasing good governance and the rule of law, and promoting and protecting fundamental human rights and freedom.

On 22 December 2021, the People’s Supreme Court of the Lao PDR organized a press conference on the official acceptance of an administrative case by the administrative court chamber of the People’s Supreme Court of the Lao PDR in Vientiane, the Lao PDR. Mrs. Viengthong Siphandone, President of the People’s Supreme Court of the Lao PDR, invited Mr. Charnchai Sawangsagdi, President of the Supreme Administrative Court, and executives of the Administrative Court and the Office of the Administrative Courts to attend the ceremony via videoconferencing system, which was broadcast from Vientiane, the Lao PDR, to Seminar Room 1, 11<sup>th</sup> Floor, the Administrative Court Premises, Chaeng Wattana Road. The ceremony was attended by approximately 150 people. Mrs. Vienthong Sipandon, President of the People’s Supreme Court of the Lao PDR; Mr. Boonkwang Taweesak, Vice-President; Mr. Khoun Phasouk,





President of an Administrative Court Chamber of the People's Supreme Court of the Lao PDR; and related personnel were among the Lao participants. Foreign embassies, ministries, and international organizations were also represented at the ceremony. For the Thai side, the participants included Mr. Charnchai Sawangsagdi, President of the Supreme Administrative Court, and the Vice-Presidents, namely, Mr. Vorapot Visrutpich, Mr. Sumath Roygulchareon, Mr. Prasitsak Meelarp, and Mr. Suchat Mongkollertlop, who is also the President of the Sub-Commission on the Administration of the Administrative Court under a Memorandum of Understanding on Technical Cooperation between the Office of the Administrative Courts of Thailand and the People's Supreme Court of the Lao PDR. Moreover, Mr. Nopadol Hengcharoen, former Vice-President of the Supreme Administrative Court and former President of the Steering Committee of the Implementations of a Memorandum of Understanding on Technical Cooperation between the Office of the Administrative Courts of Thailand and the People's Supreme Court of the Lao PDR; Mr. Somchai Aimotch, President of the Public Administration Division of the Supreme Administrative Court; Mr. Prasat Pongsuwan, President of a Chamber of the Supreme Administrative Court; Mr. Anucha Hunswasdikul, Vice-President of the Chiang Mai Administrative Court; and executives of the Office of the Administrative Courts attended the ceremony. Following the ceremony, Mr. Charnchai Sawangsagdi, President of the Supreme Administrative Court, gave a press interview about the Administrative Court's elevated role as the centre of cooperation on court and technical administrative justice matters in ASEAN and internationally.





Participation in a press conference on the official acceptance of an administrative case by an administrative court chamber of the People's Supreme Court of the Lao PDR via videoconferencing system, on 22 December 2021





*Participation in a press conference on the official acceptance of an administrative case by an administrative court chamber of the People's Supreme Court of the Lao PDR via videoconferencing system, on 22 December 2021*





*Participation in a press conference on the official acceptance of an administrative case by an administrative court chamber of the People's Supreme Court of the Lao PDR via videoconferencing system, on 22 December 2021*





*Participation in a press conference on the official acceptance of an administrative case by an administrative court chamber of the People's Supreme Court of the Lao PDR via videoconferencing system, on 22 December 2021*





## Conclusion

The implementation of activities under the judicial cooperation project between the Office of the Administrative Courts and the People's Supreme Court of the Lao PDR for the preparation for establishing an administrative court chamber in the People's Supreme Court of the Lao PDR, with funding support from the Office of the Administrative Courts and the Thailand International Cooperation Agency, Ministry of Foreign Affairs, is a success of justice cooperation between Thailand and the Lao PDR. Such cooperation has helped make possible the establishment of an administrative court chamber in the People's Supreme Court of the Lao PDR. Both agencies have agreed to continuously promote cooperation in order to complete the 3-year project plan, particularly in the organization of training courses, the creation of a handbook for administrative court procedure under the work plan on public relations and publicizing information regarding the success of the establishment of administrative court chambers in the Lao PDR.





# *Appendices*





The Administrative Court of Thailand  
and  
The People's Supreme Court of  
the Lao PDR

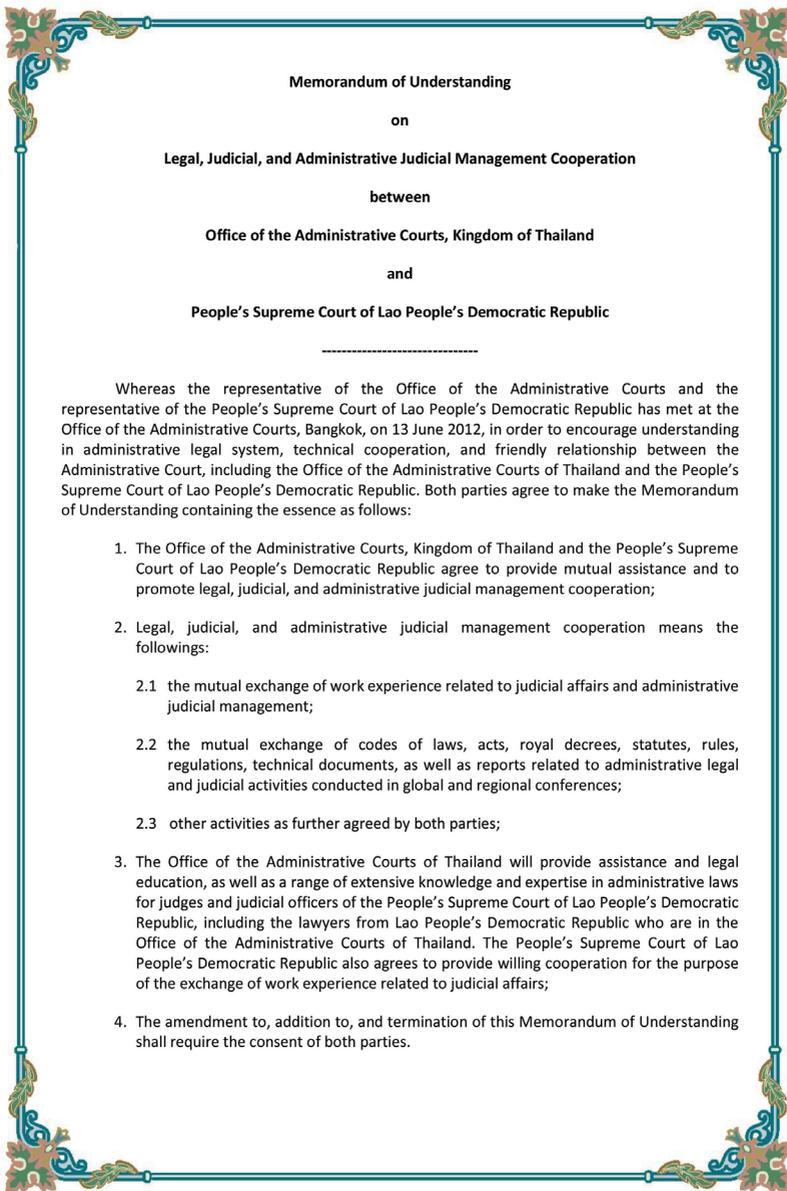


Appendix A

Memorandum of Understanding on Legal, Judicial, and Administrative Judicial  
Management Cooperation between the Office of the Administrative Courts of  
Thailand and the People's Supreme Court of the Lao PDR (English)







**Memorandum of Understanding**

**on**

**Legal, Judicial, and Administrative Judicial Management Cooperation**

**between**

**Office of the Administrative Courts, Kingdom of Thailand**

**and**

**People's Supreme Court of Lao People's Democratic Republic**

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Whereas the representative of the Office of the Administrative Courts and the representative of the People's Supreme Court of Lao People's Democratic Republic has met at the Office of the Administrative Courts, Bangkok, on 13 June 2012, in order to encourage understanding in administrative legal system, technical cooperation, and friendly relationship between the Administrative Court, including the Office of the Administrative Courts of Thailand and the People's Supreme Court of Lao People's Democratic Republic. Both parties agree to make the Memorandum of Understanding containing the essence as follows:

1. The Office of the Administrative Courts, Kingdom of Thailand and the People's Supreme Court of Lao People's Democratic Republic agree to provide mutual assistance and to promote legal, judicial, and administrative judicial management cooperation;
2. Legal, judicial, and administrative judicial management cooperation means the followings:
  - 2.1 the mutual exchange of work experience related to judicial affairs and administrative judicial management;
  - 2.2 the mutual exchange of codes of laws, acts, royal decrees, statutes, rules, regulations, technical documents, as well as reports related to administrative legal and judicial activities conducted in global and regional conferences;
  - 2.3 other activities as further agreed by both parties;
3. The Office of the Administrative Courts of Thailand will provide assistance and legal education, as well as a range of extensive knowledge and expertise in administrative laws for judges and judicial officers of the People's Supreme Court of Lao People's Democratic Republic, including the lawyers from Lao People's Democratic Republic who are in the Office of the Administrative Courts of Thailand. The People's Supreme Court of Lao People's Democratic Republic also agrees to provide willing cooperation for the purpose of the exchange of work experience related to judicial affairs;
4. The amendment to, addition to, and termination of this Memorandum of Understanding shall require the consent of both parties.





This Memorandum of Understanding is made in duplicate, in the Thai, Lao, and English languages, and all texts are equally authentic. In case the differences in interpretation of the Memorandum of Understanding arise, the English text shall govern. Each party will have one duplicate of the Memorandum of Understanding, and the Memorandum of Understanding shall enter into force after the signature of both parties.

**Office of the Administrative Courts**

(MR. SURAPAN PURANANDA)

Deputy Secretary General of the Office of  
the Administrative Courts

25 February 2013

**People's Supreme Court of Lao People's  
Democratic Republic**

(MR. SENGKEO PHILAPHONDETH)

Vice-Director of Cabinet of the Office of  
the People's Supreme Court of Lao People's  
Democratic Republic

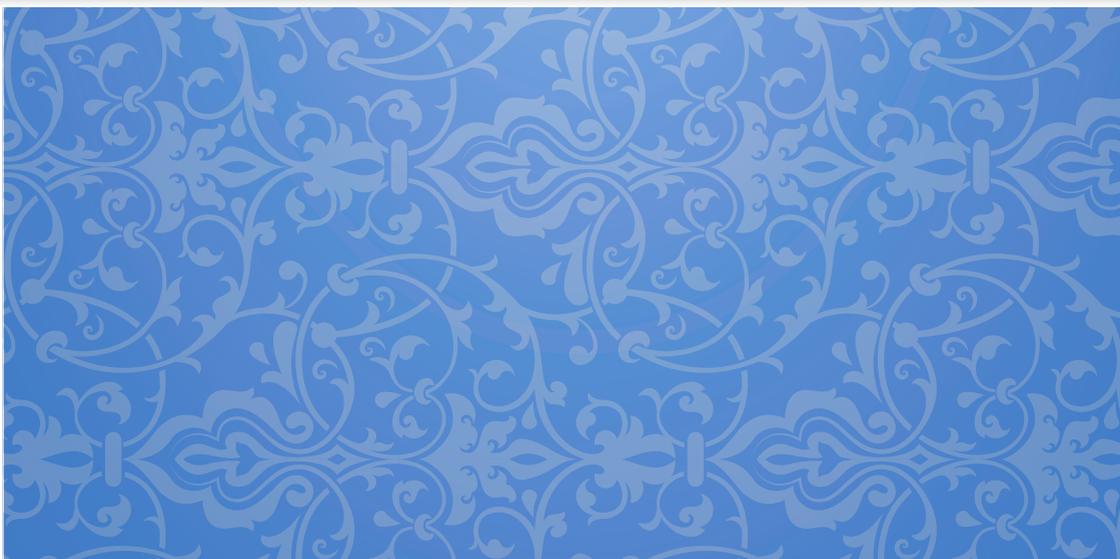
25 February 2013



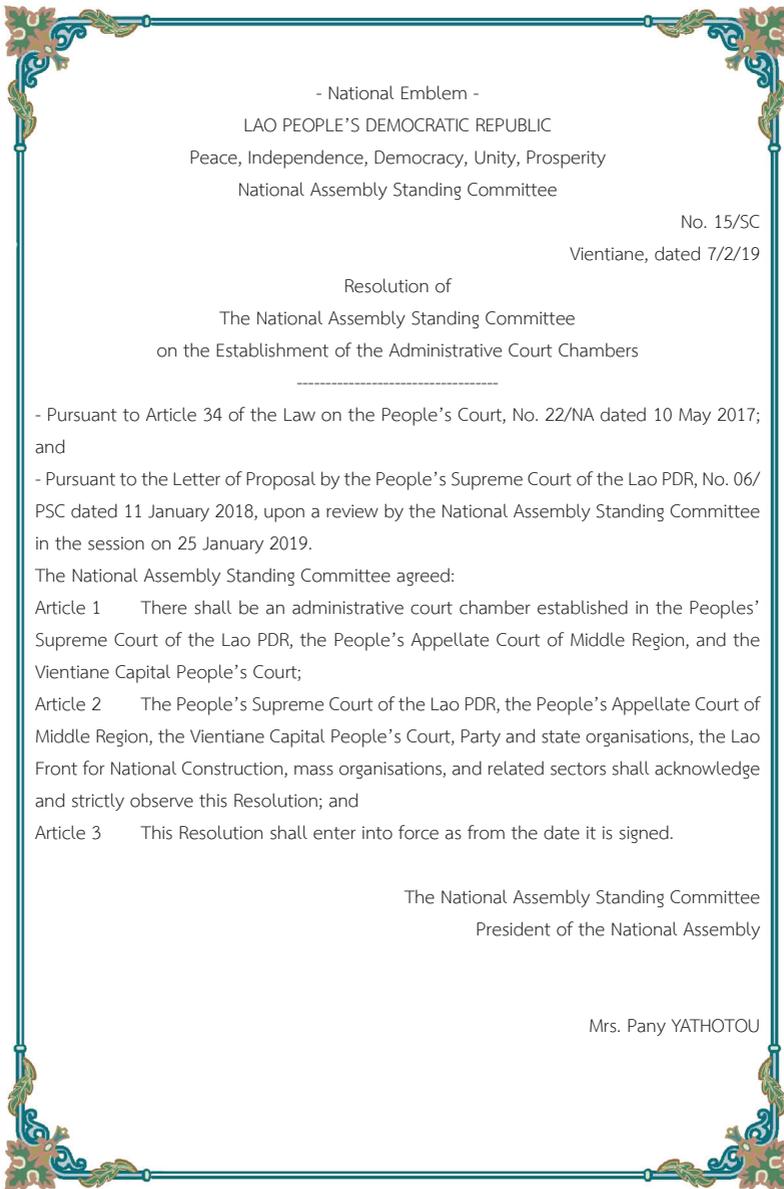


## Appendix B

Drafting the law on the establishment of administrative court chambers as well as other relevant laws

- 1) Resolution of the National Assembly Standing Committee on the Establishment of Administrative Court Chambers (English)
  - 2) Decree of the President of the Lao People's Democratic Republic on Administrative Court Procedure (English)
- 





- National Emblem -

LAO PEOPLE'S DEMOCRATIC REPUBLIC  
Peace, Independence, Democracy, Unity, Prosperity  
National Assembly Standing Committee

No. 15/SC  
Vientiane, dated 7/2/19

Resolution of  
The National Assembly Standing Committee  
on the Establishment of the Administrative Court Chambers

- Pursuant to Article 34 of the Law on the People's Court, No. 22/NA dated 10 May 2017;  
and

- Pursuant to the Letter of Proposal by the People's Supreme Court of the Lao PDR, No. 06/  
PSC dated 11 January 2018, upon a review by the National Assembly Standing Committee  
in the session on 25 January 2019.

The National Assembly Standing Committee agreed:

Article 1 There shall be an administrative court chamber established in the Peoples'  
Supreme Court of the Lao PDR, the People's Appellate Court of Middle Region, and the  
Vientiane Capital People's Court;

Article 2 The People's Supreme Court of the Lao PDR, the People's Appellate Court of  
Middle Region, the Vientiane Capital People's Court, Party and state organisations, the Lao  
Front for National Construction, mass organisations, and related sectors shall acknowledge  
and strictly observe this Resolution; and

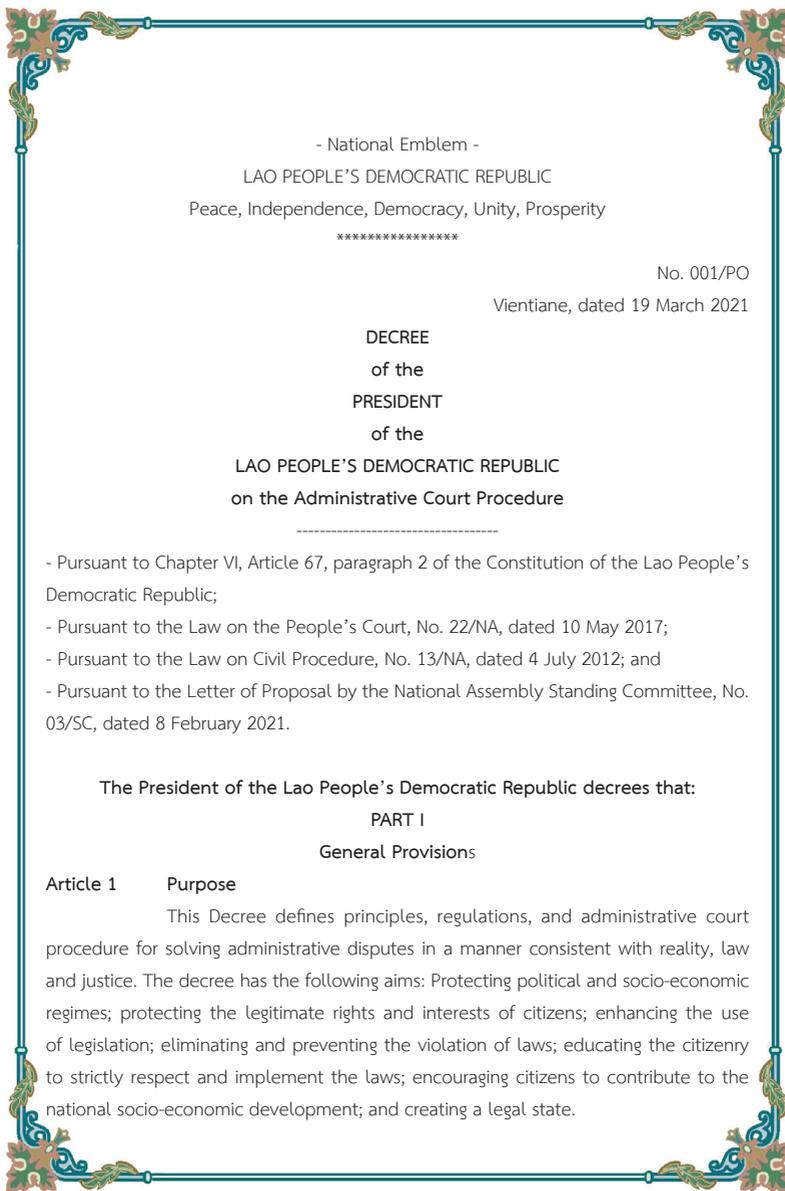
Article 3 This Resolution shall enter into force as from the date it is signed.

The National Assembly Standing Committee  
President of the National Assembly

Mrs. Pany YATHOTOU







- National Emblem -

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Peace, Independence, Democracy, Unity, Prosperity

\*\*\*\*\*

No. 001/PO

Vientiane, dated 19 March 2021

**DECREE**

**of the**

**PRESIDENT**

**of the**

**LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**on the Administrative Court Procedure**

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- Pursuant to Chapter VI, Article 67, paragraph 2 of the Constitution of the Lao People's Democratic Republic;
- Pursuant to the Law on the People's Court, No. 22/NA, dated 10 May 2017;
- Pursuant to the Law on Civil Procedure, No. 13/NA, dated 4 July 2012; and
- Pursuant to the Letter of Proposal by the National Assembly Standing Committee, No. 03/SC, dated 8 February 2021.

**The President of the Lao People's Democratic Republic decrees that:**

**PART I**

**General Provisions**

**Article 1 Purpose**

This Decree defines principles, regulations, and administrative court procedure for solving administrative disputes in a manner consistent with reality, law and justice. The decree has the following aims: Protecting political and socio-economic regimes; protecting the legitimate rights and interests of citizens; enhancing the use of legislation; eliminating and preventing the violation of laws; educating the citizenry to strictly respect and implement the laws; encouraging citizens to contribute to the national socio-economic development; and creating a legal state.





## Article 2 Administrative Court Proceedings

Administrative cases refer to cases involving disputes on administrative acts or state administration between the following parties:

1. State organizations or state/government officials vs individuals and organisations;
2. State organizations vs state/government officials;
3. State/government officials holding executive positions vs state/government officials in general; and
4. State organizations vs state organisations.

“Administrative court proceedings” refer to actions and responsibilities of the administrative court chamber, the Office of the Public Prosecutor, and participants in the proceedings when considering and solving administrative disputes as provided in paragraph one of this Article, Article 16 of this Decree, and relevant laws.

## Article 3 Key Terms

Key terms used in this Decree will have the following meanings:

1. “**State organizations**” refer to ministries, equivalent bodies, the Lao Front for National Construction, the Lao Veterans Federation, mass organisations, local administration agencies at all levels and state enterprises;
2. “**Organizations**” refer to private companies, international organisations and other non-state organisations;
3. “**State/government officials**” refer to persons affiliated with state organisations, including village chiefs;
4. “**Administrative order**” refers to legislation made by the head of a state organisation which orders a person or a state organisation to implement plans, laws, decrees, and other legislation, as well as to solve other issues within the scope of their own rights and duties;
5. “**Administrative agreement**” refers to legislation made by the head of a relevant state organisation for governing the exercise of rights, the performance of duties, or the implementation and enforcement of legislation made by a high-level state organisation;





6. “**Wrongful administrative act**” refers to an order or administrative agreement which violates the Constitution or the laws;
7. “**Public interest**” refers to benefits to the public or entire society;
8. “**The neglect of official duties**” refers to failure to perform official duties according to the process and within the specified time as required by law; and
9. “**The rule of law**” refers to respecting and implementing the laws correctly and strictly.

#### **Article 4 State Policy Related to Administrative Court Proceedings**

The State shall facilitate administrative court proceedings by means of prescribing related rules and procedures; allocating budget; providing training for relevant personnel; as well as procuring vehicles and equipment in order to ensure accurate, speedy, transparent, and fair trial and adjudication.

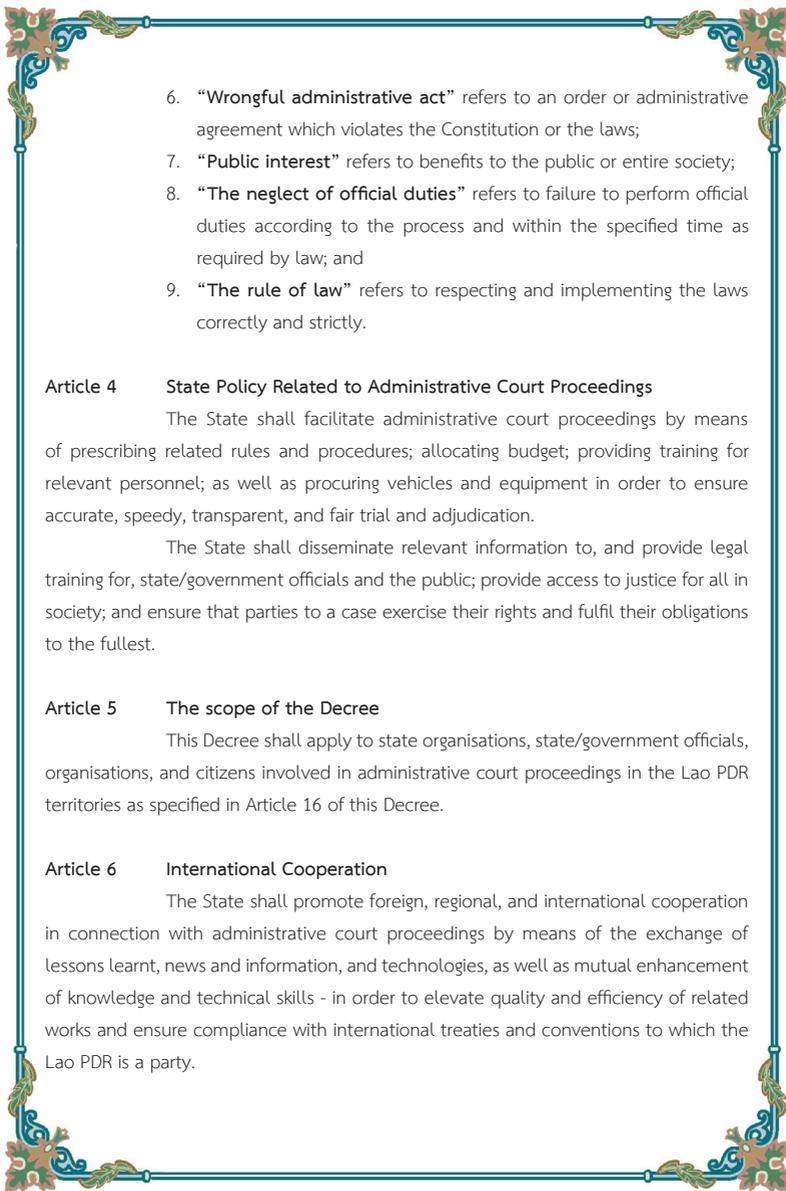
The State shall disseminate relevant information to, and provide legal training for, state/government officials and the public; provide access to justice for all in society; and ensure that parties to a case exercise their rights and fulfil their obligations to the fullest.

#### **Article 5 The scope of the Decree**

This Decree shall apply to state organisations, state/government officials, organisations, and citizens involved in administrative court proceedings in the Lao PDR territories as specified in Article 16 of this Decree.

#### **Article 6 International Cooperation**

The State shall promote foreign, regional, and international cooperation in connection with administrative court proceedings by means of the exchange of lessons learnt, news and information, and technologies, as well as mutual enhancement of knowledge and technical skills - in order to elevate quality and efficiency of related works and ensure compliance with international treaties and conventions to which the Lao PDR is a party.





## PART II

### Fundamental Principles in Administrative Court Proceedings

#### **Article 7 Fundamental Principles in Administrative Court Proceedings**

Administrative court proceedings shall be in compliance with the following fundamental principles:

1. Independence of judges;
2. Equality of citizens before the law and in the courts;
3. Mediation;
4. Explanations and arguments;
5. Comprehensive, complete, and objective proceedings;
6. Consideration of awarding civil damages in administrative cases; and
7. Scope of trial and adjudication.

Rights and obligations of the court in adjudicating cases; trial and adjudication of a case by judicial tribunals; hearings in court; language used in proceedings; recusal and request for recusal; and prohibition from trying and adjudicating the same case twice shall be in accordance with the Law on Civil Procedure.

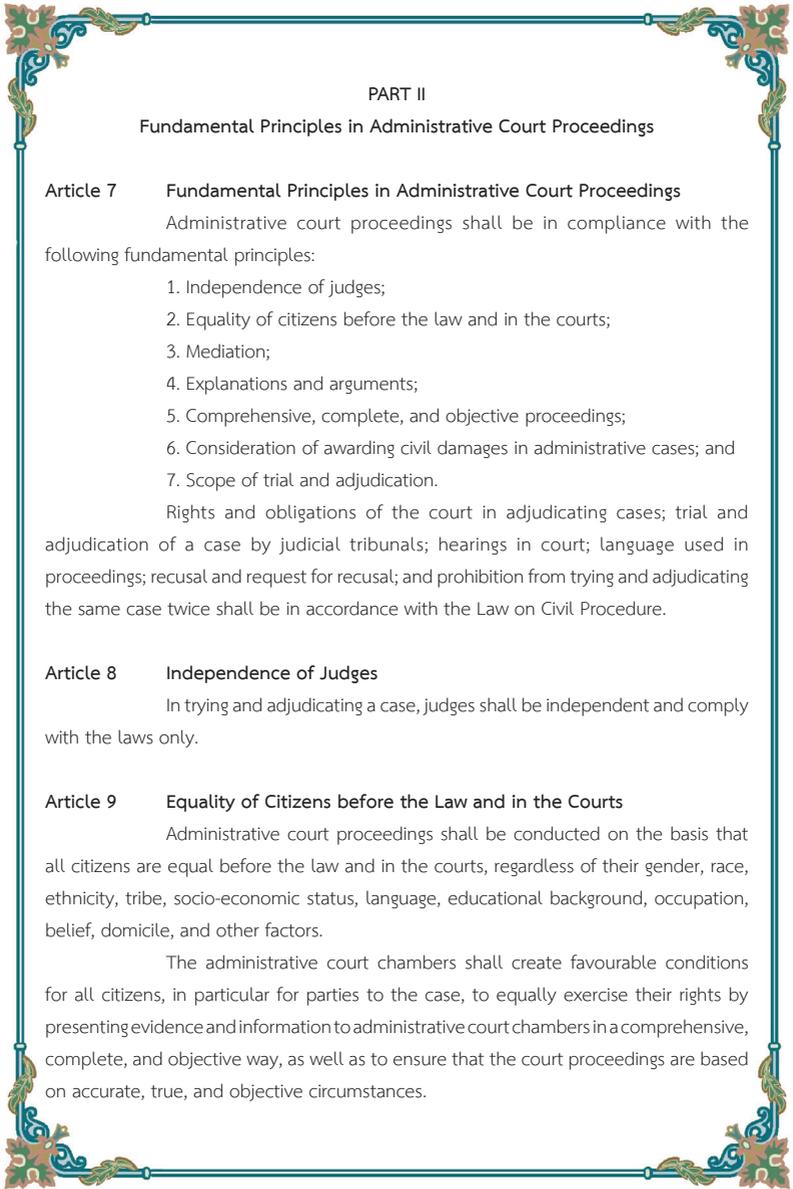
#### **Article 8 Independence of Judges**

In trying and adjudicating a case, judges shall be independent and comply with the laws only.

#### **Article 9 Equality of Citizens before the Law and in the Courts**

Administrative court proceedings shall be conducted on the basis that all citizens are equal before the law and in the courts, regardless of their gender, race, ethnicity, tribe, socio-economic status, language, educational background, occupation, belief, domicile, and other factors.

The administrative court chambers shall create favourable conditions for all citizens, in particular for parties to the case, to equally exercise their rights by presenting evidence and information to administrative court chambers in a comprehensive, complete, and objective way, as well as to ensure that the court proceedings are based on accurate, true, and objective circumstances.



**Article 10 Mediation**

The administrative court chambers shall have the competence to carry out mediation by finding all possible conditions and approaches for the parties to settle their dispute based on their mutual agreement.

Mediation can be carried out at any step of court proceedings and at any court level, provided that such mediation shall not violate the law.

**Article 11 Explanations and Arguments**

In court proceedings, the administrative court chambers shall ensure that the parties have reasonable opportunities to express their opinions, clarify their pleadings, or present arguments against the opponent's evidence.

At the hearing, the administrative court chambers shall ensure that the parties have reasonable opportunities to present their evidence, explain their evidence, or present arguments against the opponent's evidence.

**Article 12 Comprehensive, Complete, and Objective Proceedings**

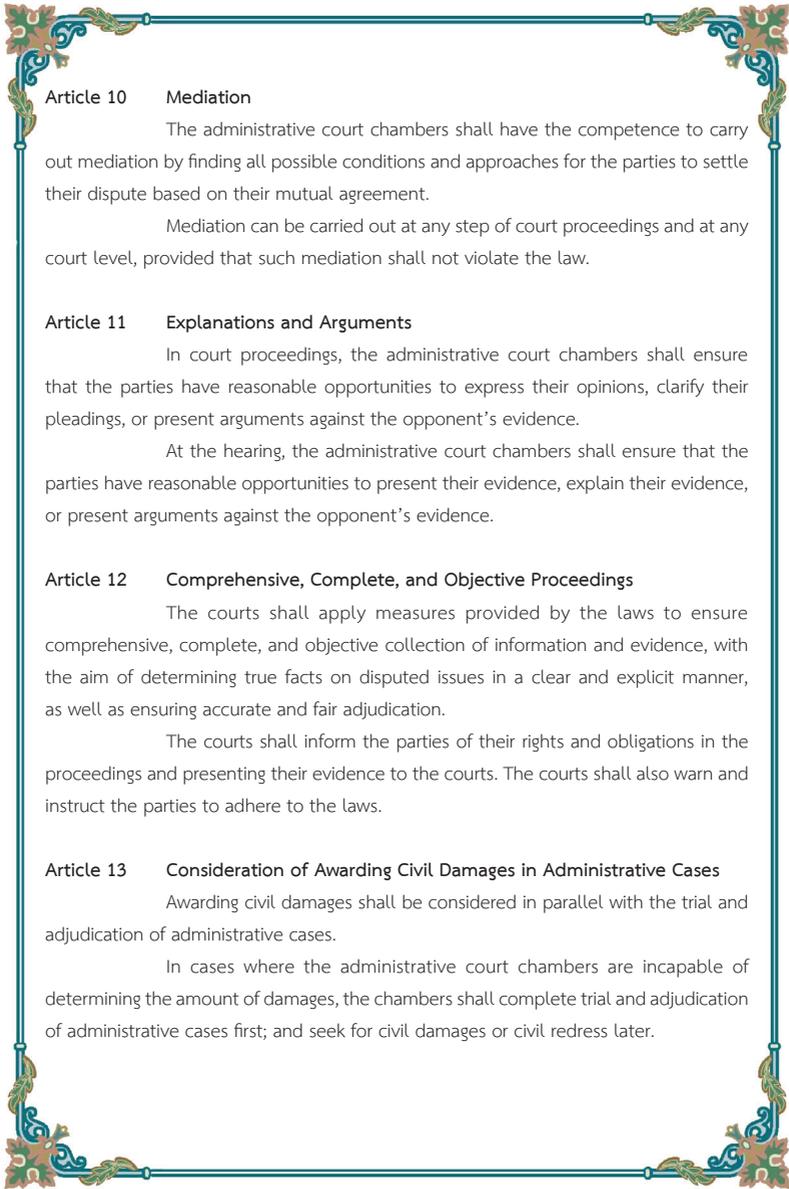
The courts shall apply measures provided by the laws to ensure comprehensive, complete, and objective collection of information and evidence, with the aim of determining true facts on disputed issues in a clear and explicit manner, as well as ensuring accurate and fair adjudication.

The courts shall inform the parties of their rights and obligations in the proceedings and presenting their evidence to the courts. The courts shall also warn and instruct the parties to adhere to the laws.

**Article 13 Consideration of Awarding Civil Damages in Administrative Cases**

Awarding civil damages shall be considered in parallel with the trial and adjudication of administrative cases.

In cases where the administrative court chambers are incapable of determining the amount of damages, the chambers shall complete trial and adjudication of administrative cases first; and seek for civil damages or civil redress later.



**Article 14 Scope of Trial and Adjudication**

The administrative court chambers shall try and adjudicate issues within the scope of a plaint filed by the parties or a third party. The administrative court chambers shall not consider any other issues which are not raised by the parties or a third party, unless a case involves public interest.

**PART III****Administrative Court Proceedings****Chapter 1****Jurisdiction of Administrative Court Chambers****Article 15 Administrative Court Chambers**

There shall be administrative court chambers in the People's Supreme Court, People's Appellate Courts, Provincial People's Courts, and the Capital People's Court upon the approval of the National Assembly Standing Committee.

The administrative court chambers in the Provincial People's Courts and Capital People's Court shall make decisions at first instance.

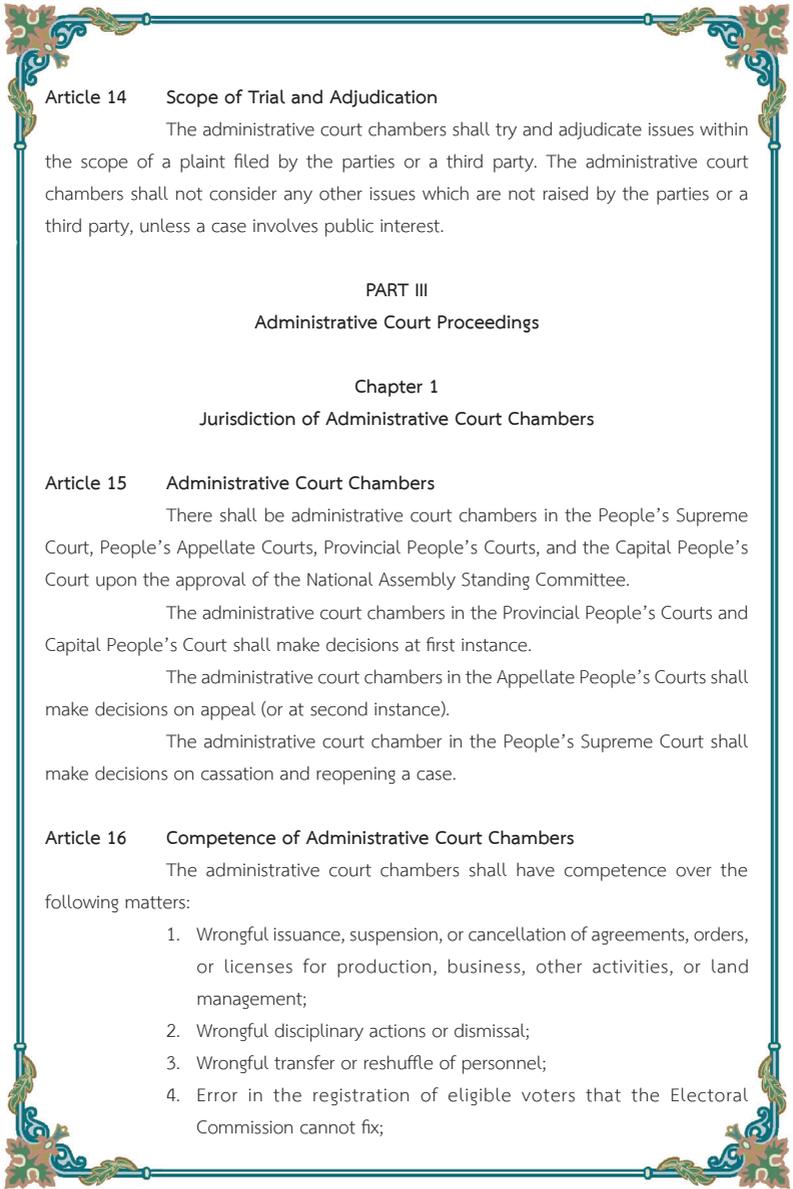
The administrative court chambers in the Appellate People's Courts shall make decisions on appeal (or at second instance).

The administrative court chamber in the People's Supreme Court shall make decisions on cassation and reopening a case.

**Article 16 Competence of Administrative Court Chambers**

The administrative court chambers shall have competence over the following matters:

1. Wrongful issuance, suspension, or cancellation of agreements, orders, or licenses for production, business, other activities, or land management;
2. Wrongful disciplinary actions or dismissal;
3. Wrongful transfer or reshuffle of personnel;
4. Error in the registration of eligible voters that the Electoral Commission cannot fix;





5. The neglect of official duties or unreasonable delay in performing official duties which results in damage to the State or citizens;
6. The unlawful act of state/government officials related to fines, taxation, levies, fee collection, service charges, other obligations, the forfeiture of property, or the use of the others' property;
7. Wrongful agreement on exchange or compensation;
8. Wrongful act involving liabilities between state organisations; and
9. Other cases involving administrative or state administration issues in accordance with decisions of the General Assembly of Judges of the People's Supreme Court.

Issues involving national secrecy, national security, national defence, maintaining peace and order, and international relations shall not be taken to trial for adjudication.

#### **Article 17 Jurisdiction**

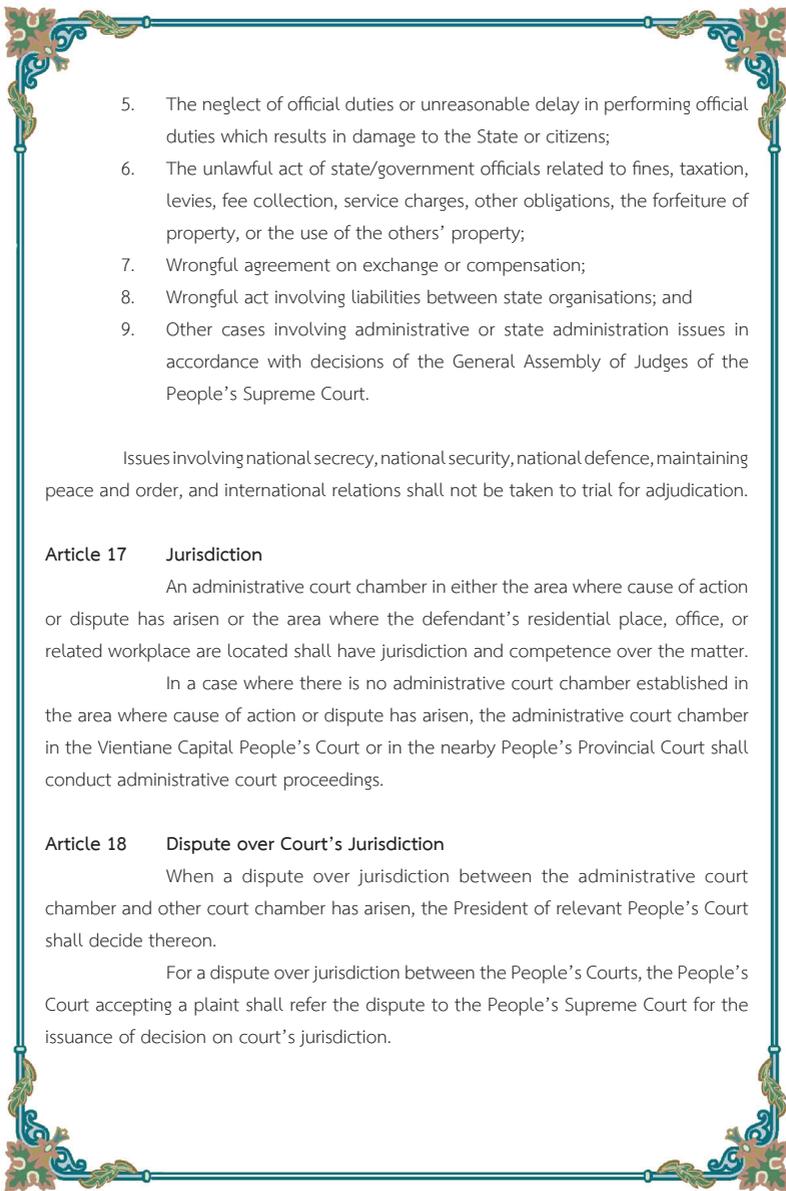
An administrative court chamber in either the area where cause of action or dispute has arisen or the area where the defendant's residential place, office, or related workplace are located shall have jurisdiction and competence over the matter.

In a case where there is no administrative court chamber established in the area where cause of action or dispute has arisen, the administrative court chamber in the Vientiane Capital People's Court or in the nearby People's Provincial Court shall conduct administrative court proceedings.

#### **Article 18 Dispute over Court's Jurisdiction**

When a dispute over jurisdiction between the administrative court chamber and other court chamber has arisen, the President of relevant People's Court shall decide thereon.

For a dispute over jurisdiction between the People's Courts, the People's Court accepting a plaint shall refer the dispute to the People's Supreme Court for the issuance of decision on court's jurisdiction.





#### **Article 19 Transfer of Case to Other Court**

When the administrative court chamber of any People's Court has proceeded with a case and later held the view that such case is not within its jurisdiction, such People's Court shall transfer the case to the administrative court chamber of the other competent People's Court, and shall inform the relevant parties of such transfer.

In a case where the People's Court to which the case has been transferred rejects the case, the transferring People's Court shall refer the matter to the President of the People's Supreme Court for determination of jurisdiction.

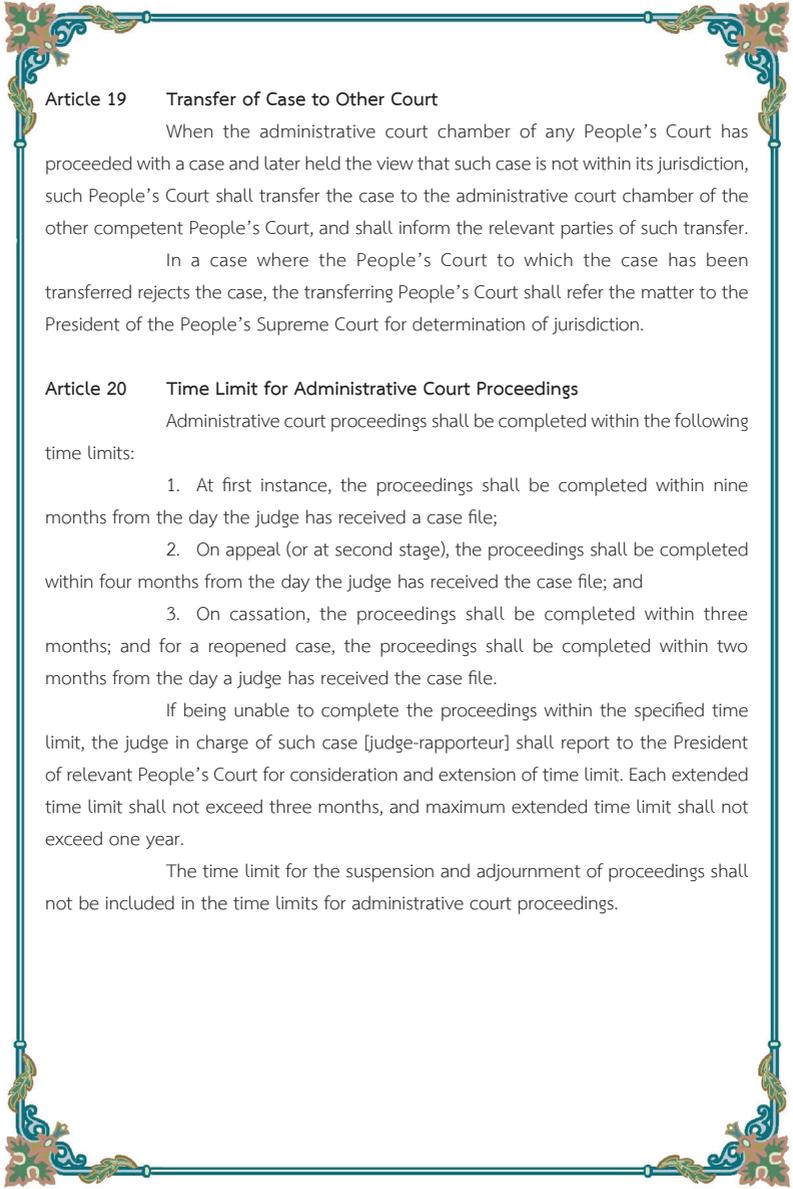
#### **Article 20 Time Limit for Administrative Court Proceedings**

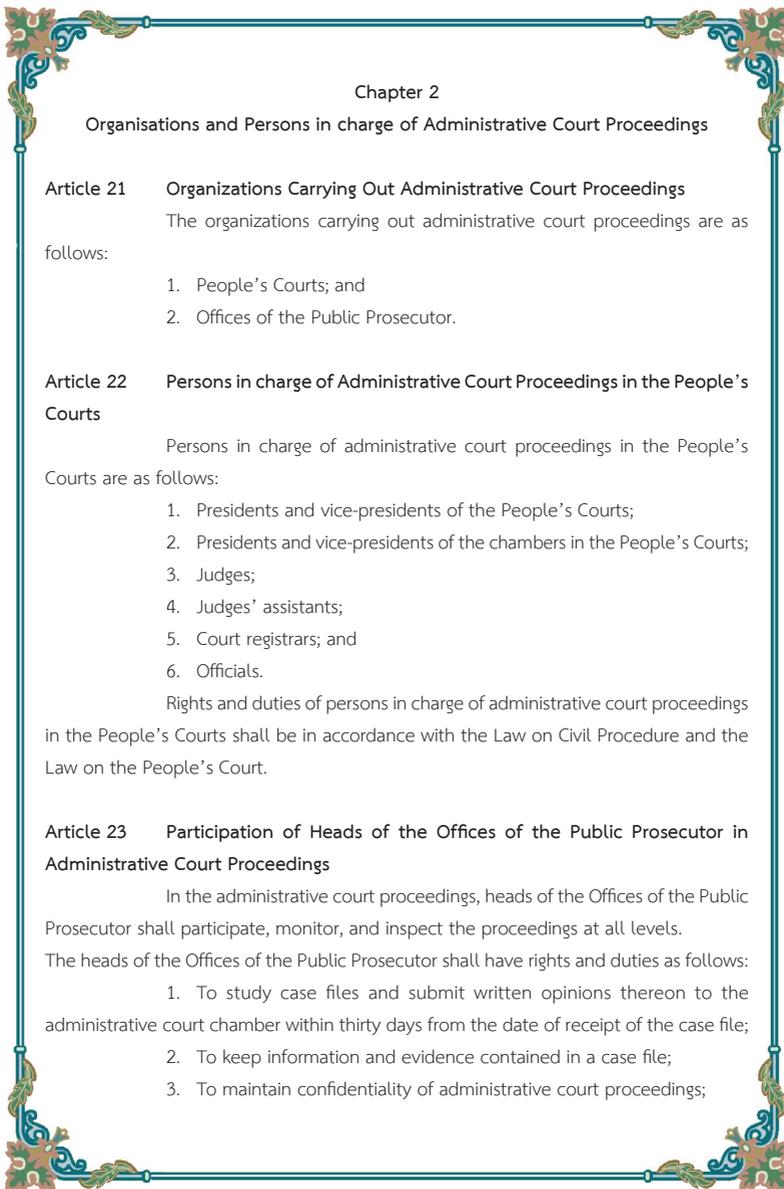
Administrative court proceedings shall be completed within the following time limits:

1. At first instance, the proceedings shall be completed within nine months from the day the judge has received a case file;
2. On appeal (or at second stage), the proceedings shall be completed within four months from the day the judge has received the case file; and
3. On cassation, the proceedings shall be completed within three months; and for a reopened case, the proceedings shall be completed within two months from the day a judge has received the case file.

If being unable to complete the proceedings within the specified time limit, the judge in charge of such case [judge-rapporteur] shall report to the President of relevant People's Court for consideration and extension of time limit. Each extended time limit shall not exceed three months, and maximum extended time limit shall not exceed one year.

The time limit for the suspension and adjournment of proceedings shall not be included in the time limits for administrative court proceedings.





## Chapter 2

### Organisations and Persons in charge of Administrative Court Proceedings

#### Article 21 Organizations Carrying Out Administrative Court Proceedings

The organizations carrying out administrative court proceedings are as follows:

1. People's Courts; and
2. Offices of the Public Prosecutor.

#### Article 22 Persons in charge of Administrative Court Proceedings in the People's Courts

Persons in charge of administrative court proceedings in the People's Courts are as follows:

1. Presidents and vice-presidents of the People's Courts;
2. Presidents and vice-presidents of the chambers in the People's Courts;
3. Judges;
4. Judges' assistants;
5. Court registrars; and
6. Officials.

Rights and duties of persons in charge of administrative court proceedings in the People's Courts shall be in accordance with the Law on Civil Procedure and the Law on the People's Court.

#### Article 23 Participation of Heads of the Offices of the Public Prosecutor in Administrative Court Proceedings

In the administrative court proceedings, heads of the Offices of the Public Prosecutor shall participate, monitor, and inspect the proceedings at all levels.

The heads of the Offices of the Public Prosecutor shall have rights and duties as follows:

1. To study case files and submit written opinions thereon to the administrative court chamber within thirty days from the date of receipt of the case file;
2. To keep information and evidence contained in a case file;
3. To maintain confidentiality of administrative court proceedings;





4. To be accountable for their own incorrect actions in the examination of case files;
5. To make statements in court hearing; and
6. To exercise other rights and perform other duties as provided by the Law on the Office of Public Prosecutor.

### Chapter 3

#### Participants in Administrative Court Proceedings

##### **Article 24** Participants in Administrative Court Proceedings

Participants in the administrative court proceedings are as follows:

1. Parties [to the administrative case];
2. Third parties;
3. Witnesses;
4. Experts or specialists;
5. Translators; and
6. Attorneys or guardians.

Rights and duties of participants in the administrative court proceedings shall be in accordance with the Law on Civil Procedure.

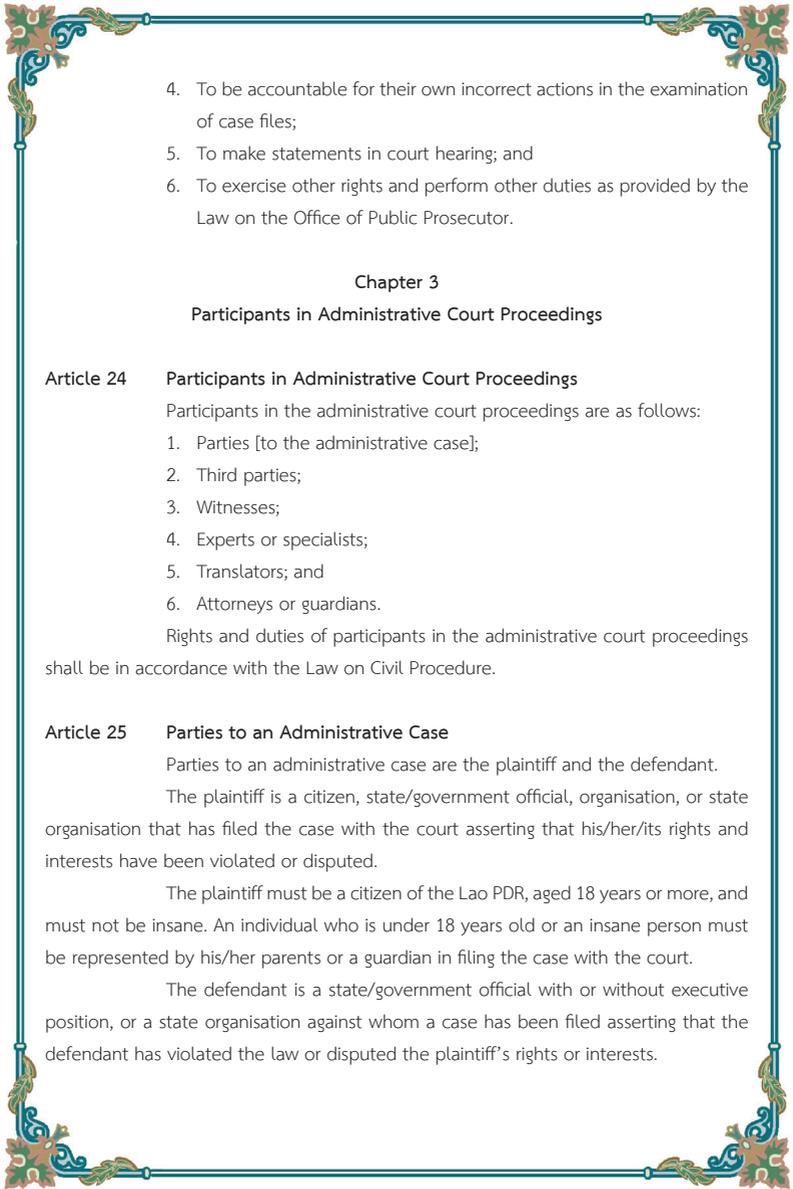
##### **Article 25** Parties to an Administrative Case

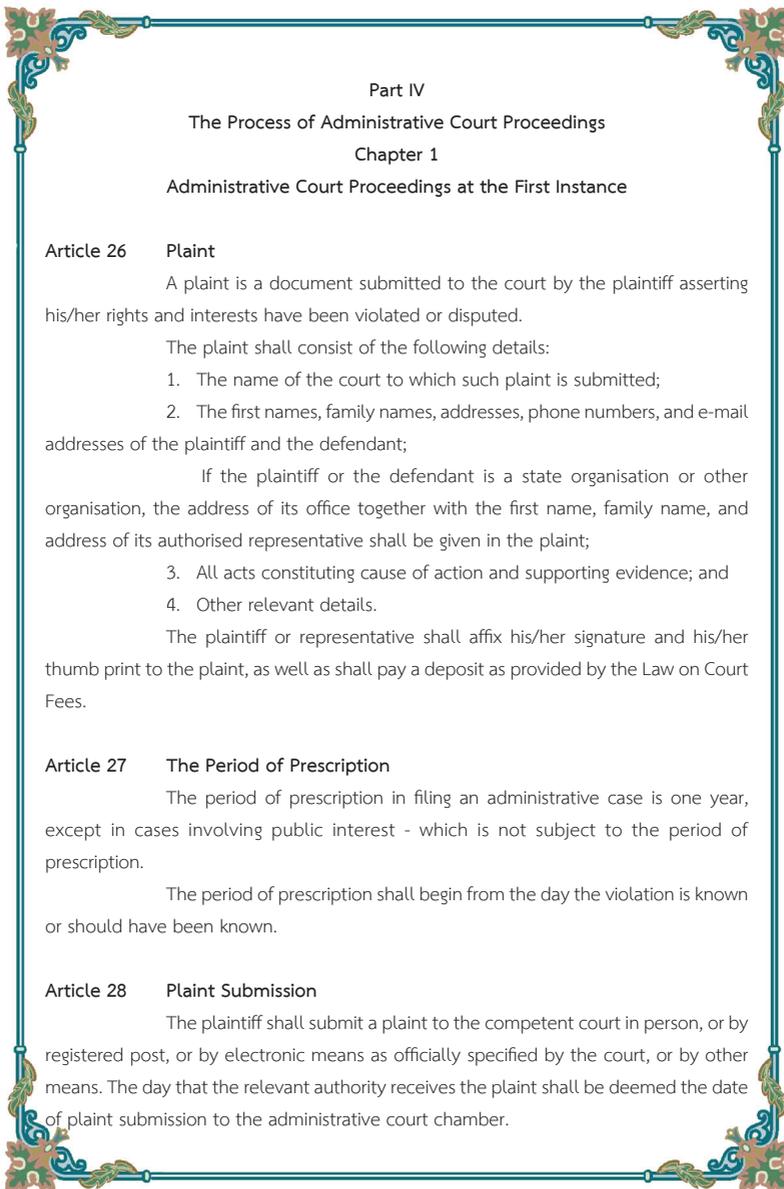
Parties to an administrative case are the plaintiff and the defendant.

The plaintiff is a citizen, state/government official, organisation, or state organisation that has filed the case with the court asserting that his/her/its rights and interests have been violated or disputed.

The plaintiff must be a citizen of the Lao PDR, aged 18 years or more, and must not be insane. An individual who is under 18 years old or an insane person must be represented by his/her parents or a guardian in filing the case with the court.

The defendant is a state/government official with or without executive position, or a state organisation against whom a case has been filed asserting that the defendant has violated the law or disputed the plaintiff's rights or interests.





#### Part IV

### The Process of Administrative Court Proceedings

#### Chapter 1

### Administrative Court Proceedings at the First Instance

#### **Article 26**    **Plaint**

A plaint is a document submitted to the court by the plaintiff asserting his/her rights and interests have been violated or disputed.

The plaint shall consist of the following details:

1. The name of the court to which such plaint is submitted;
2. The first names, family names, addresses, phone numbers, and e-mail addresses of the plaintiff and the defendant;

If the plaintiff or the defendant is a state organisation or other organisation, the address of its office together with the first name, family name, and address of its authorised representative shall be given in the plaint;

3. All acts constituting cause of action and supporting evidence; and
4. Other relevant details.

The plaintiff or representative shall affix his/her signature and his/her thumb print to the plaint, as well as shall pay a deposit as provided by the Law on Court Fees.

#### **Article 27**    **The Period of Prescription**

The period of prescription in filing an administrative case is one year, except in cases involving public interest - which is not subject to the period of prescription.

The period of prescription shall begin from the day the violation is known or should have been known.

#### **Article 28**    **Plaint Submission**

The plaintiff shall submit a plaint to the competent court in person, or by registered post, or by electronic means as officially specified by the court, or by other means. The day that the relevant authority receives the plaint shall be deemed the date of plaint submission to the administrative court chamber.





The plaint shall be written in accordance with the format of court documents, with two copies of all relevant documents attached (the original and one duplicate).

**Article 29 Examination of Plaint and Relevant Documents**

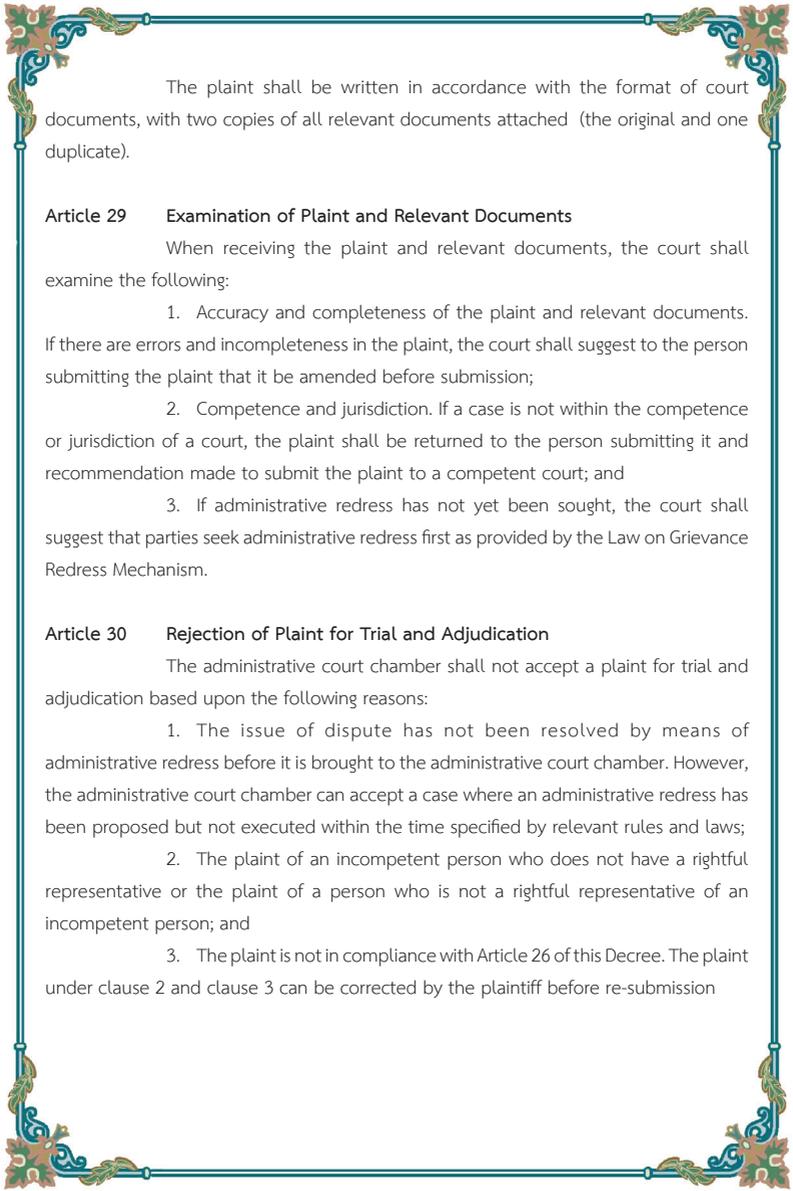
When receiving the plaint and relevant documents, the court shall examine the following:

1. Accuracy and completeness of the plaint and relevant documents. If there are errors and incompleteness in the plaint, the court shall suggest to the person submitting the plaint that it be amended before submission;
2. Competence and jurisdiction. If a case is not within the competence or jurisdiction of a court, the plaint shall be returned to the person submitting it and recommendation made to submit the plaint to a competent court; and
3. If administrative redress has not yet been sought, the court shall suggest that parties seek administrative redress first as provided by the Law on Grievance Redress Mechanism.

**Article 30 Rejection of Plaint for Trial and Adjudication**

The administrative court chamber shall not accept a plaint for trial and adjudication based upon the following reasons:

1. The issue of dispute has not been resolved by means of administrative redress before it is brought to the administrative court chamber. However, the administrative court chamber can accept a case where an administrative redress has been proposed but not executed within the time specified by relevant rules and laws;
2. The plaint of an incompetent person who does not have a rightful representative or the plaint of a person who is not a rightful representative of an incompetent person; and
3. The plaint is not in compliance with Article 26 of this Decree. The plaint under clause 2 and clause 3 can be corrected by the plaintiff before re-submission



**Article 31 Acceptance of Complaint for Trial and Adjudication**

The administrative court chamber shall accept a complaint that has been accurately prepared in accordance with Article 26 and Article 29 of this Decree for trial and adjudication.

**Article 32 Notification to the Defendant**

When having accepted a complaint for consideration, the administrative court chamber shall notify the defendant in writing and summon the defendant to acknowledge litigation within fifteen days. The administrative court chamber shall also deliver copies of the complaint to all relevant persons and recommend that they submit their defence within thirty days as provided by Article 33 of this Decree.

**Article 33 Defence**

The defence is the defendant's documents presenting arguments against the complaint. If it is viewed that the complaint lacks reasonable grounds or is exaggerated, the defence shall provide reasons, witnesses and evidence.

**Article 34 Obligations and Time Period for Defence Submission**

The defendant is obligated to submit the defence within thirty days from the day that the defendant has received the complaint. In a case where the defendant cannot submit the defence within the specified time period, relevant persons can request an extension of ten more days or request the court to record testimony in place of the defence.

**Article 35 Joint Litigation**

If collective rights and interests, or public interest, have been violated due to the same cause of action, complaints can be jointly submitted to the administrative court chamber for trial and adjudication by those whose such rights and interests have been violated. The complaint jointly submitted may describe individual consequences of violation or collective consequences of violation.

Upon a written authorisation, all plaintiffs can delegate any particular person to represent them in the proceedings.



**Article 36 Merger of Cases**

If any ongoing case has connection with other cases aiming for the same goal, the administrative court chamber may merge them into a single case. A court determination on merger of cases shall be notified to the parties. However, the parties shall not have the right to appeal such determination.

**Article 37 Separation of Cases**

If viewing that a case of joint litigation has different goals and conditions, and the goals are irrelevant or have no connection with each other; or multiple plaintiffs cause obstacles and complexity in collecting information, the administrative chamber may determine to divide such case into multiple cases. The court determination on separation of cases shall be notified to the parties. However, the parties shall not have the right to appeal such determination.

**Article 38 Preparation of Case File**

If the plaint and the defence submitted to the administrative court chamber are accurate, the administrative court chamber shall prepare a case file and begin the proceedings.

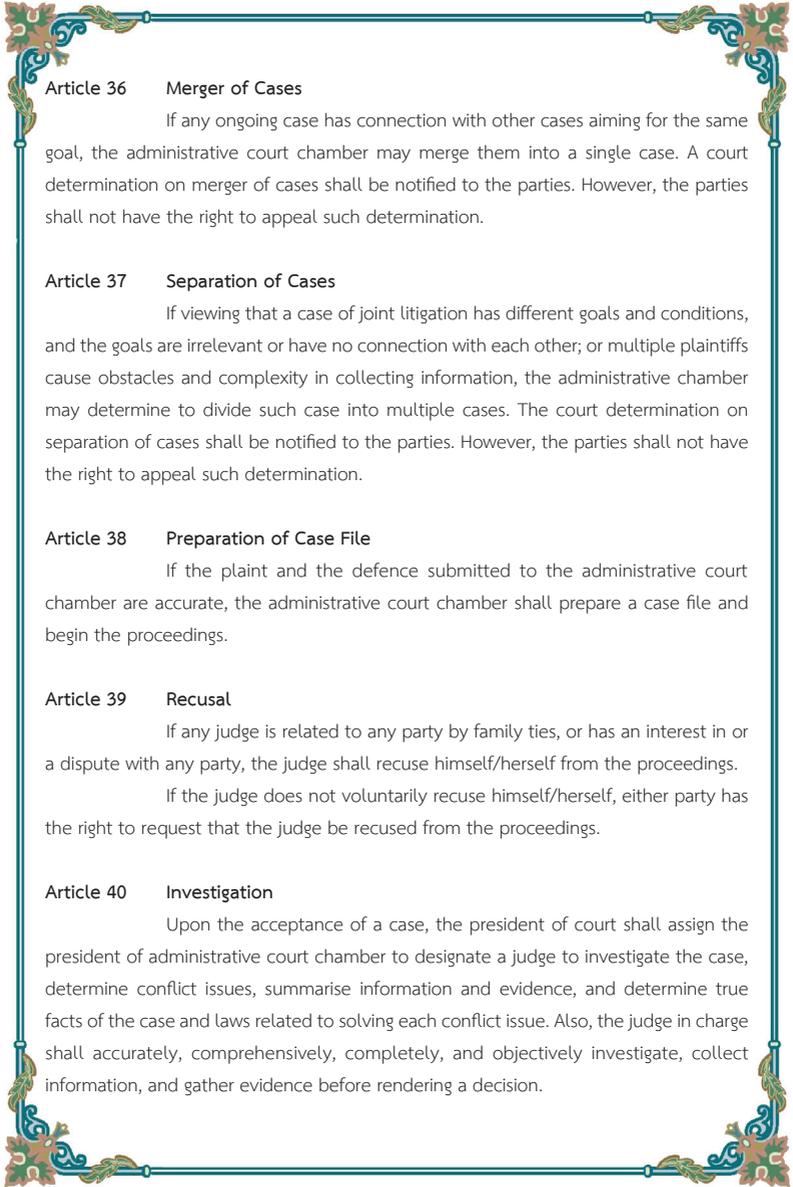
**Article 39 Recusal**

If any judge is related to any party by family ties, or has an interest in or a dispute with any party, the judge shall recuse himself/herself from the proceedings.

If the judge does not voluntarily recuse himself/herself, either party has the right to request that the judge be recused from the proceedings.

**Article 40 Investigation**

Upon the acceptance of a case, the president of court shall assign the president of administrative court chamber to designate a judge to investigate the case, determine conflict issues, summarise information and evidence, and determine true facts of the case and laws related to solving each conflict issue. Also, the judge in charge shall accurately, comprehensively, completely, and objectively investigate, collect information, and gather evidence before rendering a decision.





If the administrative court proceedings are related to other proceedings; and the result of other proceedings may either affect or benefit the administrative court proceedings, the administrative court chamber shall issue an order on the suspension of such administrative court proceedings, in order to wait for the result of other proceedings unless the ruling of the administrative court chamber is necessary and urgent, in which case the administrative court chamber may proceed with the administrative court proceedings.

**Article 41 Measures of the Court**

The administrative court chamber has the right to issue orders that guarantee litigation as requested by the parties or that are in accordance with the court's opinion, e.g. the seizure of property, attachment of property, suspension of certain acts, prohibiting certain acts, or prohibiting certain obligations.

The implementation of measures guaranteeing litigation and interim urgency measures shall be in accordance with the Law on Civil Procedure.

**Article 42 Examination and Assessment of Evidence**

After taking testimony from the parties and witnesses and collecting information from relevant agencies, the judge shall analyse and assess the information and evidence in order to determine true facts of the case accurately.

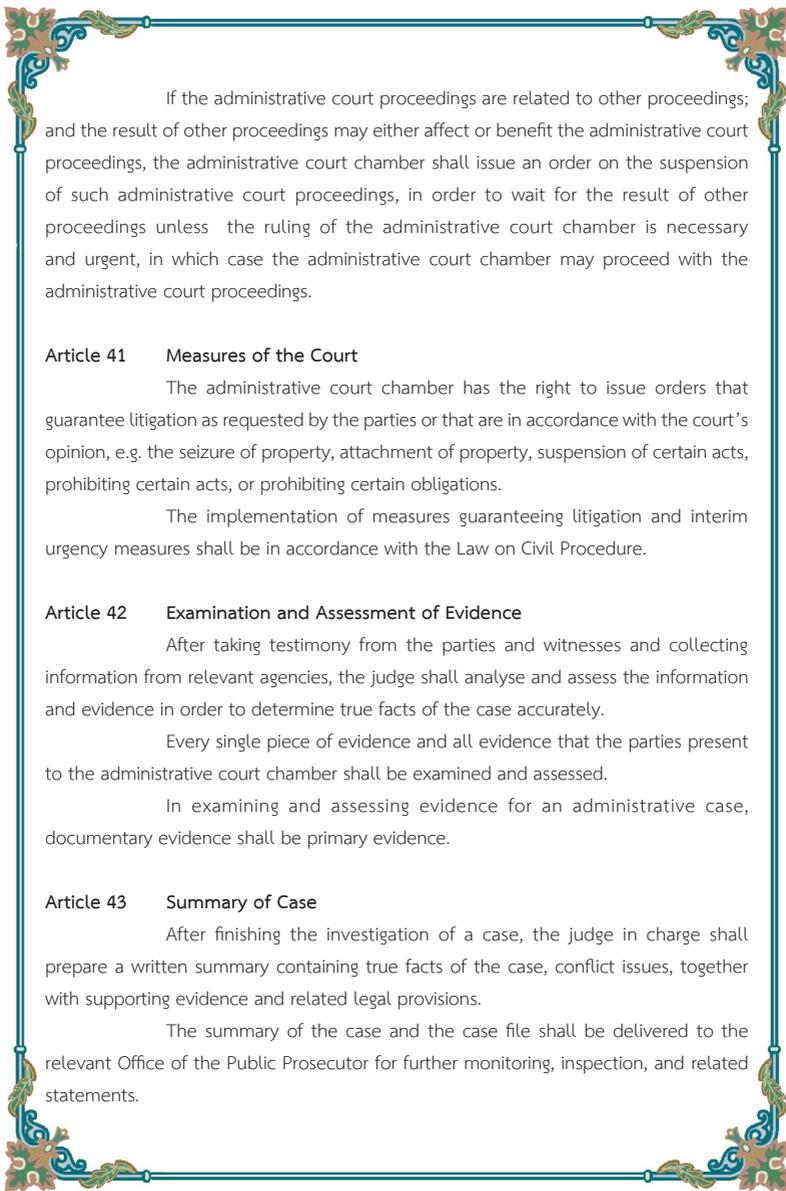
Every single piece of evidence and all evidence that the parties present to the administrative court chamber shall be examined and assessed.

In examining and assessing evidence for an administrative case, documentary evidence shall be primary evidence.

**Article 43 Summary of Case**

After finishing the investigation of a case, the judge in charge shall prepare a written summary containing true facts of the case, conflict issues, together with supporting evidence and related legal provisions.

The summary of the case and the case file shall be delivered to the relevant Office of the Public Prosecutor for further monitoring, inspection, and related statements.





#### **Article 44 Examination of Case before Court Hearing**

Before the hearing, the court shall examine and ensure the following:

1. If it is viewed that information and evidence have been completely, comprehensively, and sufficiently collected and gathered, the case shall be brought to trial in court hearing;
2. If it is viewed that information and evidence have not been completely, comprehensively, and sufficiently collected and gathered, the person in charge shall be assigned to investigate further and collect more evidence; and
3. If it is viewed that the plaintiff does not have right to file the case; or the case has been dismissed upon order; or the plaintiff has withdrawn the case; or there has been the court's final decision on the case before, the case shall be dismissed.

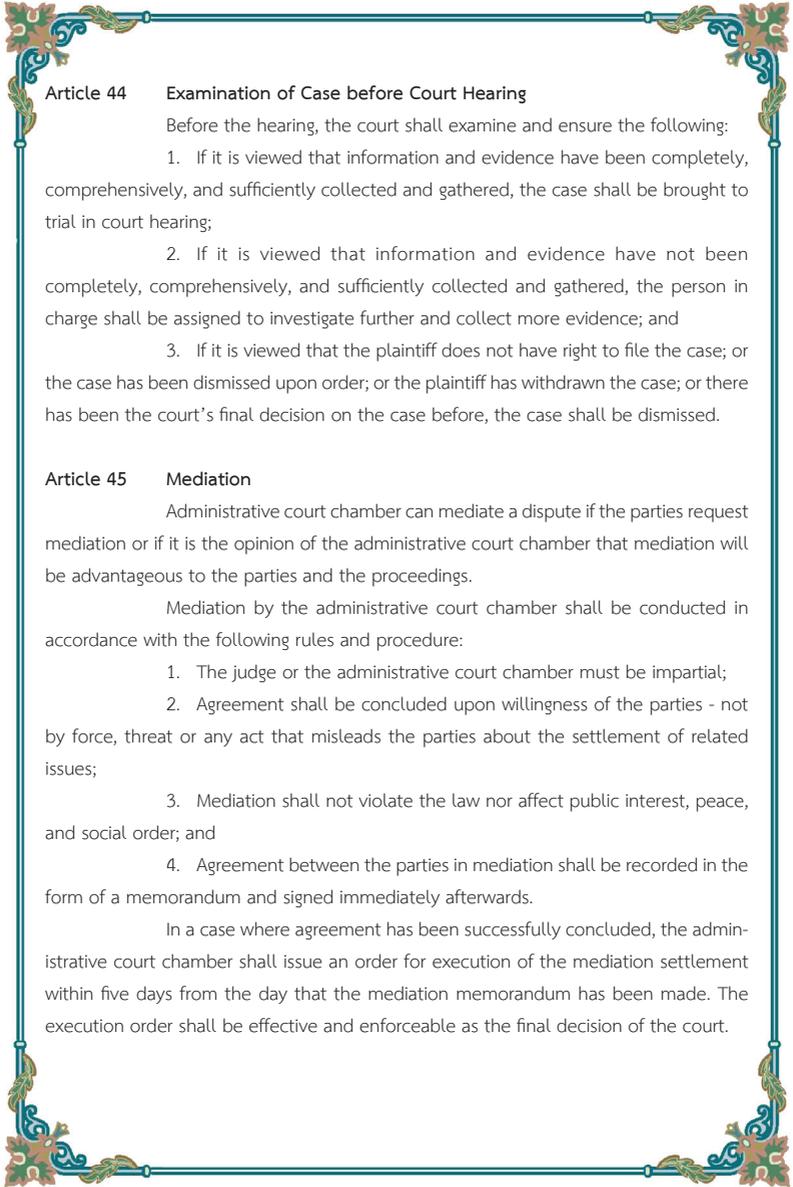
#### **Article 45 Mediation**

Administrative court chamber can mediate a dispute if the parties request mediation or if it is the opinion of the administrative court chamber that mediation will be advantageous to the parties and the proceedings.

Mediation by the administrative court chamber shall be conducted in accordance with the following rules and procedure:

1. The judge or the administrative court chamber must be impartial;
2. Agreement shall be concluded upon willingness of the parties - not by force, threat or any act that misleads the parties about the settlement of related issues;
3. Mediation shall not violate the law nor affect public interest, peace, and social order; and
4. Agreement between the parties in mediation shall be recorded in the form of a memorandum and signed immediately afterwards.

In a case where agreement has been successfully concluded, the administrative court chamber shall issue an order for execution of the mediation settlement within five days from the day that the mediation memorandum has been made. The execution order shall be effective and enforceable as the final decision of the court.



**Article 46 Court Hearing**

The president of a court chamber shall conduct the trial in an open court hearing.

The trial in the open court hearing shall be proceeded with questioning and answering sessions, or presentation by the parties or participants in the court hearing.

Administrative case trial shall be conducted directly, orally, and in public. In each case, the sessions of questioning and answering, explanation, and reasoning shall be done continuously without changing the court chamber. If the court chamber is changed, there shall be retrial.

Rules and procedure on the court hearing for administrative cases shall be in accordance with Law on Civil Procedure.

**Article 47 Decision**

The administrative court chamber renders a decision on behalf of the Lao People's Democratic Republic.

Administrative case decision contains the following parts:

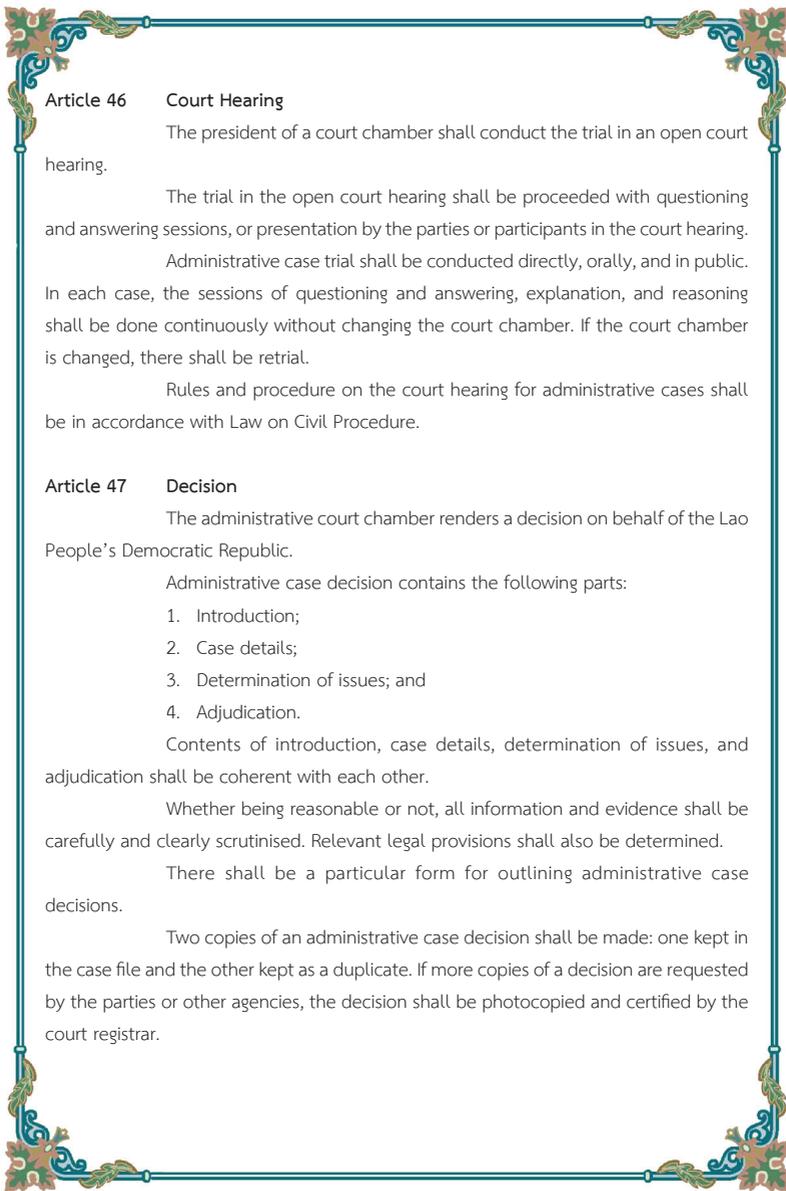
1. Introduction;
2. Case details;
3. Determination of issues; and
4. Adjudication.

Contents of introduction, case details, determination of issues, and adjudication shall be coherent with each other.

Whether being reasonable or not, all information and evidence shall be carefully and clearly scrutinised. Relevant legal provisions shall also be determined.

There shall be a particular form for outlining administrative case decisions.

Two copies of an administrative case decision shall be made: one kept in the case file and the other kept as a duplicate. If more copies of a decision are requested by the parties or other agencies, the decision shall be photocopied and certified by the court registrar.





#### **Article 48**    **Types of Decisions**

Types of decisions rendered at the first instance are as follows:

1. Decision rejecting the plaint due to unreasonable grounds;
2. If there are reasonable grounds, the court shall render the following

decisions:

- Decision ordering a relevant state organisation to revoke or change certain legislation in whole or in part where there is litigation involving violation of law by a state organisation or state/government official;

- Decision ordering a relevant state organisation to return money or property, or pay compensation to the plaintiff, in case where there is litigation on the unlawful collection of fines, taxes, levies, fees, service charges, or other obligations, or the unlawful forfeiture of property by a state organisation or state/government official;

- Decision ordering a relevant state organisation to restore violated rights; and

- Decision ordering partial action, regardless of appeal or objection.

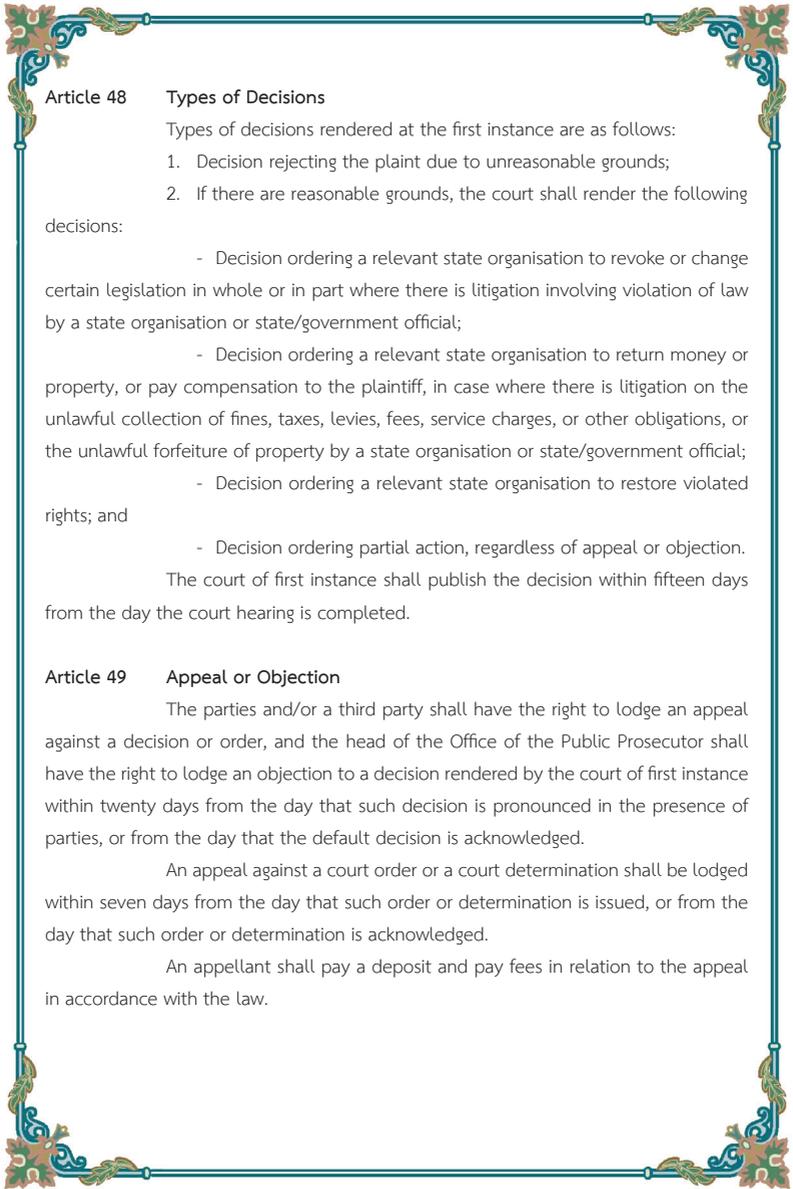
The court of first instance shall publish the decision within fifteen days from the day the court hearing is completed.

#### **Article 49**    **Appeal or Objection**

The parties and/or a third party shall have the right to lodge an appeal against a decision or order, and the head of the Office of the Public Prosecutor shall have the right to lodge an objection to a decision rendered by the court of first instance within twenty days from the day that such decision is pronounced in the presence of parties, or from the day that the default decision is acknowledged.

An appeal against a court order or a court determination shall be lodged within seven days from the day that such order or determination is issued, or from the day that such order or determination is acknowledged.

An appellant shall pay a deposit and pay fees in relation to the appeal in accordance with the law.





#### **Article 50 Rules Related to Appeal or Objection**

An appeal or an objection shall be submitted through the court of first instance that rendered the decision being appealed against. If there are reservations regarding the appeal or objection being submitted, the parties can submit the appeal or objection directly to the competent court of appeal before the trial and adjudication of such case.

### **Chapter 2**

#### **Administrative Court Proceedings on Appeal**

#### **Article 51 Acceptance of Case on Appeal**

When an appeal or objection is submitted accurately, within the specified time, and in compliance with rules related to appeal or objection; the court of appeal shall accept the case. The president of the court shall assign the president of the administrative court chamber to designate a judge to try and adjudicate the case.

#### **Article 52 Trial and Adjudication at the Court of Appeal**

Investigation of a case at the court of appeal shall mainly aim at issues of appeal, with emphasis on issues of information, evidence, and law.

#### **Article 53 Scope of Trial and Adjudication at the Court of Appeal**

The court of appeal shall try and adjudicate issues of information, evidence, and law which have been decided by the court of first instance, but later appealed against or objected.

The court of appeal shall not try and adjudicate any issues that have not been decided by a court of first instance or have not been appealed against or objected to.

#### **Article 54 Delivery of Case File to the Office of the Appellate Public Prosecutor**

After having considered and revised a case file, the court of appeal shall prepare a summary of the case and deliver the case file to the relevant Office of the Appellate Public Prosecutor for further monitoring, inspection, and related statements.





The head of the Office of the Appellate Public Prosecutor shall finish examination of the case file within thirty days from the day that such case file is received, and return the case file to the court of appeal for trial in the court hearing.

**Article 55 Types of Judgements Rendered by the Court of Appeal**

Types of judgements rendered by the court of appeal are as follows:

1. Judgement to not accept an appeal or objection due to failure to accurately comply with rules related to appeal or objection;
2. Judgement to dismiss an appeal or objection or to affirm the decision made by the court of first instance;
3. Judgement to amend the decision made by court of first instance in whole or in part or to re-adjudicate the case;
4. Judgement to nullify the decision made by court of first instance and to send the case file to a new chamber in the court of first instance for retrial and re-adjudication, or to return the case file to the original chamber in a case where the original chamber failed to consider any particular request lodged by the parties or an objection lodged by the head of the Office of the Public Prosecutor;
5. Judgement to nullify the decision made by the court of first instance without sending the case file to any particular court for retrial and re-adjudication; and
6. Judgement ordering partial action regardless of appeal or objection.

A judgement rendered by the court of appeal shall be the final judgement as to the information and evidence.

The court of appeal shall pronounce and publish the judgement within twenty days from the day the court hearing is completed.

**Article 56 Request on Cassation or Objection against Judgement**

The parties shall have the right to file a cassation, and the head of the Office of the Appellate Public Prosecutor shall have the right to file an objection against a judgement rendered by the court of appeal within thirty days from the day that such judgement is pronounced in the presence of parties, or from the day that the default judgement is acknowledged.





A cassation or objection against court order or court determination rendered by the court of appeal shall be filed within ten official working days from the day that such order or determination is acknowledged.

In a case where the parties wish to request a cassation but cannot lodge the request with the court of appeal within the specified time, the parties can lodge such request through the court of first instance before the trial and adjudication of such case.

### Chapter 3

#### Administrative Court Proceedings on Cassation and Reopening a Case

##### A. Administrative Court Proceedings on Cassation

###### Article 57 Acceptance of Case on Cassation

When a cassation or objection is submitted accurately, within the specified time, and in compliance with rules related to cassation and reopening a case, the court of cassation shall accept the case. The president of the court shall assign the president of administrative court chamber to designate a judge to try and adjudicate the case.

###### Article 58 Investigation of Case by the Court of Cassation

The court of cassation shall investigate and consider whether the cassation or objection is based on law or not\*. If the cassation or objection is based on law, the court of cassation shall inspect the proceedings of lower courts in relation to determination of facts in the case as well as the application of relevant laws or procedural rules.

If the cassation or objection is not based on law, the court of cassation cannot try and adjudicate the case.

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\* According to the Law on Civil Procedure, information and evidence that have been considered by the court of appeal are final. The court of cassation shall adjudicate the case based on law only.



**Article 59 Delivery of Case File to the Office of the Supreme Public Prosecutor**

After having considered and revised a case file, the court of cassation shall prepare a summary of the case and deliver the case file to the Office of the Supreme Public Prosecutor for further case monitoring, inspection or for making related statements.

The Supreme Public Prosecutor shall finish examination of a case file within thirty days from the day that such case file is received and return the case file to the court of cassation for the court hearing.

**Article 60 Scope of Trial and Adjudication at the Court of Cassation**

The court of cassation shall try and adjudicate the following:

1. The implementation of procedural law and this Decree;
2. The determination and assessment of facts in a case; and
3. The application of relevant laws to the essence of the case or the facts in the case.

**Article 61 Types of Judgements Rendered by the Court of Cassation**

Types of judgements rendered by the Court of Cassation are as follows:

1. Judgement to not accept a cassation or objection due to failure to accurately comply with rules related to cassation or objection;
2. Judgement to dismiss a cassation or objection, and affirm the whole decision made by the court of appeal;
3. Judgement to amend the based-on-law decision by the court of appeal in whole or in part, and to re-adjudicate the case in reference to the facts determined by lower courts;
4. Judgement to nullify a decision on appeal and sending the case file to a new chamber in the court of appeal for retrial and re-adjudication, or returning the case file to the original chamber when it has failed to consider any particular request lodged by the parties or an objection lodged by the head of the Office of the Public Prosecutor; and
5. Judgement to nullify a decision made by the court of appeal, without sending the case file to any particular court for retrial and re-adjudication.





Judgements rendered by the court of cassation shall be the final based-on-law judgement.

The court of cassation shall publish the judgement within twenty days and return the case file to the relevant court of first instance in order to notify the parties of the judgement within ten official working days as from the day the case file is received.

### **B. Reopening a Case**

#### **Article 62 Request for Reopening a Case**

The parties, a third party, and the Supreme Public Prosecutor can lodge a request to reopen a case within one year from the day that the final court order, court determination, decision, or judgement is acknowledged.

#### **Article 63 Acceptance of Case for Reopening**

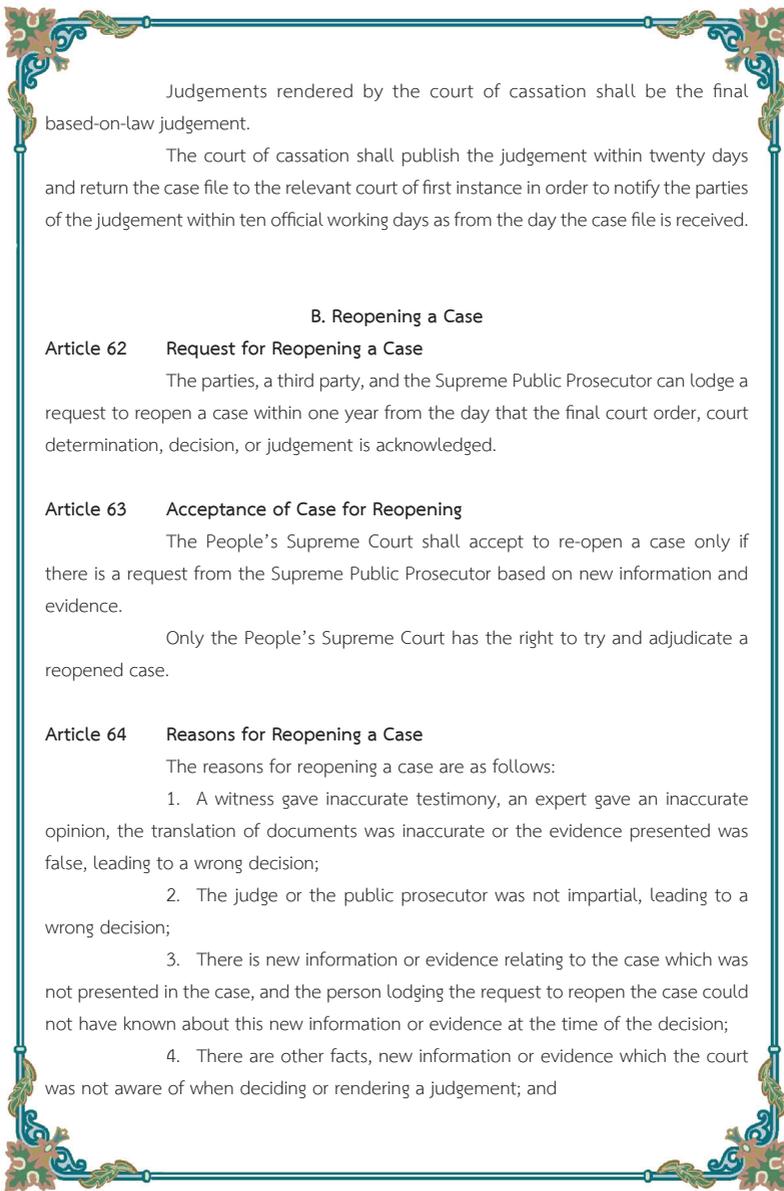
The People's Supreme Court shall accept to re-open a case only if there is a request from the Supreme Public Prosecutor based on new information and evidence.

Only the People's Supreme Court has the right to try and adjudicate a reopened case.

#### **Article 64 Reasons for Reopening a Case**

The reasons for reopening a case are as follows:

1. A witness gave inaccurate testimony, an expert gave an inaccurate opinion, the translation of documents was inaccurate or the evidence presented was false, leading to a wrong decision;
2. The judge or the public prosecutor was not impartial, leading to a wrong decision;
3. There is new information or evidence relating to the case which was not presented in the case, and the person lodging the request to reopen the case could not have known about this new information or evidence at the time of the decision;
4. There are other facts, new information or evidence which the court was not aware of when deciding or rendering a judgement; and





5. A third party who did not participate in the proceedings and whose lawful rights and interests are affected by the final decision of such a case lodges a request for reopening the case.

**Article 65 Procedure for Reopening a Case**

Upon receipt of a request to reopen a case, the Office of the Supreme Public Prosecutor shall summon the parties or other relevant persons to acknowledge the request and clarify reasons for reopening the case. The Office of the Supreme Public Prosecutor shall also carefully scrutinise related information and evidence. If there is not sufficient reason for reopening the case, the Office of the Supreme Public Prosecutor shall decide not to reopen the case. If there is sufficient reason for reopening the case, the Office of the Supreme Public Prosecutor shall propose to the People’s Supreme Court to reopen the case.

The decision to re-open or not to re-open a case shall be notified to the parties or other relevant persons in the case. After receiving the proposal to reopen the case, the People’s Supreme Court shall completely, comprehensively, and objectively investigate information and evidence before presenting them to the General Assembly of Judges of the People’s Supreme Court.

**Article 66 Types of Judgements in a Reopened Case**

Types of judgements in a reopened case are as follows:

1. Judgement to dismiss the proposal to reopen the case; and
2. Judgement to nullify the final decision or judgement of lower courts,

and sending the case file to a new competent chamber in the court of first instance for retrial and re-adjudication.

**Article 67 Deposit and Court Fees**

“Deposit” refers to a sum of money that the plaintiff or a third party pays to the court to facilitate the proceedings when he/she submits a plaint, a request for appeal, a request for cassation, or a request to reopen a case.

The court shall direct the plaintiff or the third party to pay a deposit not exceeding 300,000 Lao Kip each time. Such deposit shall be used to cover the following expenses:





1. The delivery of summons;
2. The delivery of documents or a case file; and
3. Other expenses necessary for the court proceedings.

“Court fees” refer to fees that the parties or a third party pays for the court proceedings. Court fees cover expenses of the court proceedings, expenses of persons invited to the court proceedings, and expenses for documents and copying of related documents.

The payment of deposit and court fees shall be listed and summarised in writing before trying of a case. After the payment of all expenses, any remaining deposit or money paid for court fees shall be refunded to the payer.

The collection, management, and use of deposit and money paid for court fees shall be in accordance with the Law on Court Fees.

#### **Article 68 Effectiveness of Final Decisions and Judgements**

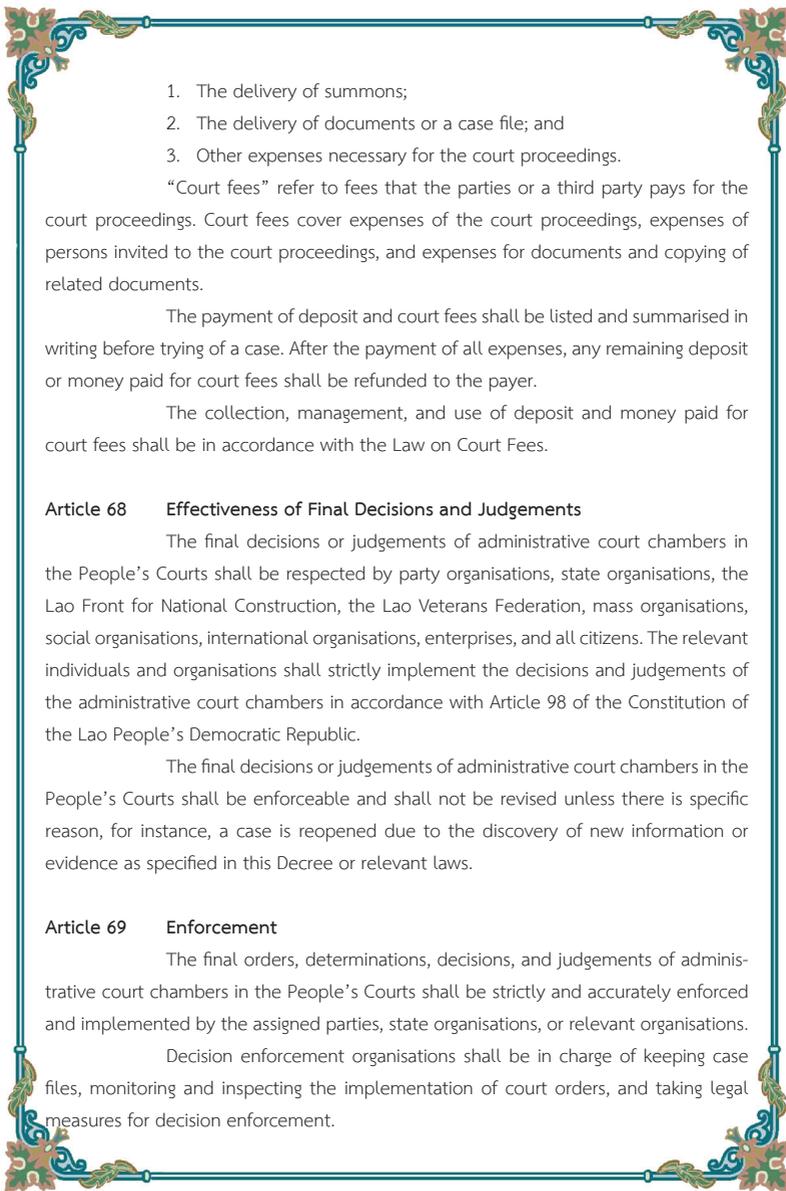
The final decisions or judgements of administrative court chambers in the People’s Courts shall be respected by party organisations, state organisations, the Lao Front for National Construction, the Lao Veterans Federation, mass organisations, social organisations, international organisations, enterprises, and all citizens. The relevant individuals and organisations shall strictly implement the decisions and judgements of the administrative court chambers in accordance with Article 98 of the Constitution of the Lao People’s Democratic Republic.

The final decisions or judgements of administrative court chambers in the People’s Courts shall be enforceable and shall not be revised unless there is specific reason, for instance, a case is reopened due to the discovery of new information or evidence as specified in this Decree or relevant laws.

#### **Article 69 Enforcement**

The final orders, determinations, decisions, and judgements of administrative court chambers in the People’s Courts shall be strictly and accurately enforced and implemented by the assigned parties, state organisations, or relevant organisations.

Decision enforcement organisations shall be in charge of keeping case files, monitoring and inspecting the implementation of court orders, and taking legal measures for decision enforcement.





Part V  
Final Provisions

**Article 70**    **Implementation**

The Government, the People's Supreme Court, the Office of the Supreme Public Prosecutor of the Lao People's Democratic Republic, and other relevant state organisations shall implement this Decree.

**Article 71**    **Entry into Force**

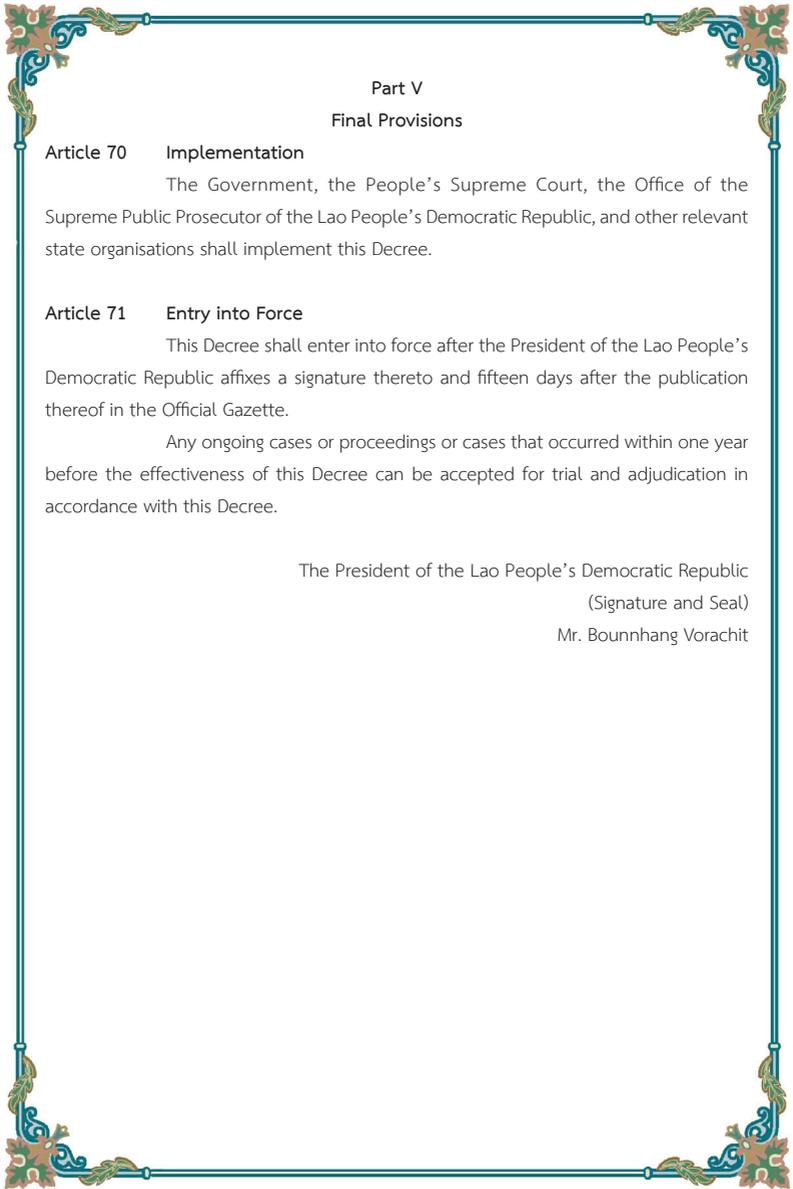
This Decree shall enter into force after the President of the Lao People's Democratic Republic affixes a signature thereto and fifteen days after the publication thereof in the Official Gazette.

Any ongoing cases or proceedings or cases that occurred within one year before the effectiveness of this Decree can be accepted for trial and adjudication in accordance with this Decree.

The President of the Lao People's Democratic Republic

(Signature and Seal)

Mr. Bounhang Vorachit



# Production Team



## Advisors from the Administrative Court and Office of the Administrative Courts

Mr. Suchat Mongkollertlop	Vice - President of the Supreme Administrative Court
Mr. Somchai Aimotch	President of Public Administration Division of the Supreme Administrative Court
Mr. Somchai Wattanagaroon	President of Budgetary and Financial Discipline Division of the Supreme Administrative Court
Mr. Kom Buranavorasin	Vice - President of the Central Administrative Court
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