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Challenges Faced by Non-Profit Associations in Laos: A Case Study of Huam Jai Asasamak

By

Raminder Kaur

An Internship Paper

Submitted to the Faculty of Graduate Studies  
through the Department of Political Science  
in Partial Fulfillment of the Requirements for  
the Degree of Master of Arts  
at the University of Windsor

Windsor, Ontario, Canada

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Challenges Faced by Non-Profit Associations in Laos: A Case Study of Huam Jai Asasamak

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May 4<sup>th</sup>, 2018

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## ABSTRACT

This paper looks at the case study of Huam Jai Asasamak, a Non-Profit Association operating in Laos in order to understand various challenges faced by Civil Society Organizations (CSOs) in the socialist regime of the Laos. It uses participant observation as a research method based on time spent living in Laos as well as other qualitative research methods including document analysis, observation, and interviews. The paper gives a contextual overview of Laos and shows that civil society is a new phenomenon in Laos linked to social and political consequences of opening up of the Laos economy in 1980s. Furthermore, the two types of challenges are discussed: Inter-NGO (issues related to organizational challenges), and Intra-NGO (those that an organization faces nationally or internationally). After the adoption of the New Economic Mechanism in 1986, more iNGOs gradually gained permission to operate in Laos. However, the legal framework for local organizations to operate did not come into effect until 2009. Therefore, the challenges faced by local CSOs present a case study of state-led civil society in Laos characterized by the state's direct control and supervision of the sector. This has ultimately created a space for civil society in Laos that is limited in capacity and operating in a somewhat fearful environment. However, based on the analysis of civil society in Laos, the paper states that a compromise between the state and CSOs is the chief determinant characteristic of civil society organizations in Laos. The CSOs are not looking to change the regime but rather to defend their right to exist. In doing so, they comply with state's regulations. Consequently, the civil society steers away from a liberal perspective of civil society, and creates its own realm, thereby defining civil society from its own [Laotian] perspective.

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### **LIST OF ABBREVIATIONS**

ASEAN	Association of South-East Asian Nations
CSO	Civil Society Organization
GAC	Global Affairs Canada
HJA	Huam Jai Asasamak
iNGO	International Non-Governmental Organization
Lao PDR	Lao People's Democratic Republic
LCN	Lao CSO Network
LCSN	Lao Civil Society Network
LPRP	Lao People's Revolutionary Party
MDGs	Millennium Developmental Goals
MoHA	Ministry of Home Affairs
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
NPA	Non-Profit Association
VIP	Volunteer Internship Program



## CHAPTER 1. INTRODUCTION

The Lao People's Democratic Republic, or Laos, is a landlocked socialist country in Southeast Asia bordered by Vietnam, Cambodia, Thailand, Myanmar and China. Bilateral relations between Canada and Laos have existed since 1954 when the Laos' independence from France was formalized. With the help of a Canadian Non-Government Organization (NGO), called Cuso International, a research project to study volunteerism in Laos was launched in 2007 and it eventually transitioned into a Non-Profit Association (NPA) in 2014. This paper looks at the case study of this NPA called **Huam Jai Asasamak Association** (“**United in Volunteering**”, or HJA), and aims to explain how registered NPAs in Laos operate effectively in what most observers consider a politically hostile environment. The goal is to analyze the different challenges faced by the organization in 2016. This in turn can help in understanding the current political and legal environment that persists around civil society in Laos.

The emergence of civil society is a fairly new phenomenon in Laos, linked to social and political consequences of the opening up of Laos' economy. After the adoption of the New Economic Mechanism in 1986, more INGOs gradually gained permission to operate in Laos. However, the legal framework for local organizations to operate did not come into effect until 2009. Therefore, the challenges faced by local civil society organizations (CSOs) present a case study of state-led civil society in Laos characterized by the state's direct control and supervision of the sector. This has ultimately created a space for civil society in Laos that is limited in capacity and operating in a somewhat fearful environment. Most CSOs in Laos work either in social or business development, which demonstrates that the government tolerates specific non-state entities that are persuaded to align their interests with governmental services.

The paper begins by discussing methodology for the use of this case study followed by the discussion of civil society in the political context of Lao PDR. The next section provides an introduction of the HJA and the challenges that the organization faced in 2016. In turn, this can give an insight into the relationship between the Lao government and the local associations, and how this relationship is adding a strain on the development of civil society in Laos. However restrictive the domestic environment for civil society may be, it can be said that the pressures from international community along with Laos's membership with the Association of South-East Asian Nations (ASEAN) as well as its commitment to the Millennium Developmental Goals (MDGs), cumulatively present a promising terrain for the continued existence of civil society in Laos.

## **CHAPTER 2. METHODOLOGY**

This article uses participant observation as a research methodology; a tool typically used to collect data in qualitative research studies (Gillespie & Michelson, 2011). Qualitative methods of data collection such as document analysis, observation, and interviews are used in this study to collect data. Historically, participant-observation has its roots in anthropology and ethnology, and is an under-used methodology in political science (Ross & Ross, 1974; Gillespie & Michelson, 2011). However, this technique has been widely used in many studies related to international organizations or research involving holistic study of a community, group, or an organization (Ross & Ross, 1974).

As a field-based research strategy, in participant observation, the researcher participates in the everyday practices of the people of interest. In political science, this type of research is conducted openly, in a natural environment, and in the form of external observation (Helmer,

2011). Typically, a participant-observer will move into a foreign community for a year or more to study their field of research as well as record observations. Since this method involves a connection between the researcher and what is being researched, it can be said that it is different from a “naturalistic observation” (Guidelines for Ethical Conduct in Participant Observation, n.d.). Subsequently, the method involves a variety of well-defined methods: informal interviews, participation in committee meetings, collective discussions and analysis of organizational documents etc.

There are three stages of participant observation: 1) initial introduction, 2) Focused research and 3) systematization and measurement (Ross & Ross, 1974). At each stage, the researcher aims to ask different types of questions in order to gather different kinds of data. In the first stage, the researcher begins by learning the basic aspects of community life and developing their role as a researcher. Then, in the second stage, the researcher aims to narrow down their focus in order to refine or develop their hypothesis. During this phase, the researcher has a greater involvement in the smaller range of community activities. Finally, in stage three, the researcher begins to measure major concepts related to the study such as developing indicators to analyze organizational capacity or other methods including survey research or content analysis (*ibid*).

The advantages of using this methodology include researcher’s ability to understand political institutions from an endogenous perspective (Helmar, 2011). That is, the participant observation makes it possible to discover the behaviour patterns of everyday actions in addition to what the subject of the observation reveals. Another advantage of this method is that it allows for the examination of the informal rules that may guide politicians’ behaviour or in general the overall functioning of an institution. The combination of interviews and observations allow one to correlate and find a connection between the spheres of perceptions with that of their actions.

Consequently, the observer is able to experience social players as they actually behave in their social and political reality (*ibid*).

The disadvantages associated with this methodology is the ability of the researcher to remain as an impartial observer. That is, the observer may adopt the views of the subject under observation, thereby, letting go of the objective perspective of their study or research question. However, this is easily fixable if the researcher remains self-aware throughout their fieldwork. On the contrary, the participant observers may change their response or behaviour in researcher's presence (Gillespie & Michelson, 2011). However, it is also possible that participants feel comfortable in the researcher's presence and are able to behave as naturally as possible (*ibid*). Other constraints for using this methodology include that it can be a time-consuming as well as costly undertaking. Furthermore, it can also be difficult to gain access to governmental or non-governmental institutions for participant observation. However, Ross & Ross (1977) argue that increased use of participant observation can make a contribution to the field of political science and increased criticism and evaluation from political scientists can lead to improvement of this methodology.

## **2.1 Participant-Observation in Laos**

I began my mandate as a Monitoring & Evaluation (M&E) Advisor with Huam Jai Asasamak (HJA) located in the capital city, Vientiane, Laos on June 16<sup>th</sup>, 2016, and continued my work with the organization until March 12<sup>th</sup>, 2017. This assignment was part of the International Youth Internship Program (IYIP) offered by Global Affairs Canada as a means for 'Canadian Youth to gain professional experience in the field of International Development' (International Youth Internship Program [IYIP], 2018). During this internship, the intern usually spends a minimum of six months in a developing country working on issues such as equality between

women and men, the environment, health, education, small business development, and/or agriculture. By the end of the term, I had lived in Laos and worked on a full-time basis for a total of 9 months while working with HJA and collaborating with Cuso International Laos. In addition, I conducted further cooperative efforts with a local mass organization operating under the youth wing of the Lao People's Revolutionary Party, called the Laos Youth Union. 25% of my time in Laos was attributed to field work where I had the opportunity to visit different villages, attend community meetings and assess various community projects implemented by HJA's Alumni.

According to Cuso International's Monitoring Evaluation, Accountability and Learning (MEAL) system, the M& E process ensures that the project continues to monitor, evaluate and report on strategic outcomes based on reliable evidence and engages stakeholders in learning for planning project course corrections and communicating results. Accordingly, my placement's objective was to provide support to HJA in the areas of organizational development, project management, volunteer programme development and capacity building of staff.

The goal of the M& E process was to provide assistance to HJA's staff in implementing their organization's vision, mission and strategic goals. In order to do so, I was given access to organizational documents such as annual reports, capacity assessment reports, one-on-one time with all staff of HJA, bi-weekly staff meetings, a one-day two field visits with the Program Coordinator, and a week-long field visit with the Lao Youth Ministry to the Northern Laos (Xiankhouang province) where I sat on various community meetings. Through-out my internship, I volunteered on a full-time basis, communicated with company's donors in person and via email on HJA's behalf, assisted in writing grant proposals, conducted a gender equality and social inclusion workshop, and attended workshops with the Lao International Non-Governmental Organizations Network. All this insight was used to analyze performance, assess needs and

complement staff development plans that aimed to strengthen both individual and team capabilities. The analysis also allowed the organization to showcase its challenges and accomplishments to the existing and potential funders and to raise HJA's profile as a NPA in Laos.

Altogether, I developed 25 indicators to analyze HJA's programs and to assess its needs and challenges. The indicators focused on HJA's volunteer internship program, organizational development, and staff capacity. The final report was presented to HJA's staff and then at the annual Cuso International Conference held in Vang Vieng, Laos on March 9<sup>th</sup>, 2017. According to a change report submitted by Cuso International Laos, the following outcomes were noted as a result of this placement: (I) Funding for Youth Programme Continuity (II) Improved Publicity and Communications (III) Team Strengthening & Staff Development (Change Report, 2017).

### **CHAPTER 3. CONTEXTUAL OVERVIEW OF LAOS**

The Laos Kingdom of Lan Xang collapsed in 1893 when the original three Lao Kingdoms were taken over by the French colonists to form an Indochinese Union (Ken 2012). Eventually in 1949, French handed the colony back to the Lao monarchy, but the 'Pathet Lao,' which eventually became the Lao People's Revolutionary Party (LPRP), fought for control over the region. The LPRP ultimately established a socialist regime in 1975 and named it the Lao People's Democratic Republic. Since then, the Marxist ideology has continued to prevail in Laos (Mishra 2012).

The Lao government began reforming its economic system in 1986 by adopting the New Economic Mechanism, which shifted the country's economy from a centrally-planned to market-based model. Consequently, the economic reforms enabled a certain degree of liberalization, which

attracted foreign investment as well as development aid into the country. The eight Millennium Development Goals (MDGs), which range from halving extreme poverty to putting an end to diseases like HIV/AIDS, and providing universal primary education, are leading the Lao government in its developmental goals. The government of Laos considers civil society to be an essential partner and contributor to MDGs (Delnoye, 2010). Development partners to the government of Laos also stress the need for an increased role of civil society in order to alleviate poverty and foster a dialogue between government and society (*ibid*). Under its national socioeconomic development plans, the government has adopted a policy to transform the country from a landlocked to a land-linked country, and aims to graduate from the ‘least developed country’ status by 2020. Currently, Laos is an active member of the Greater Mekong Sub region (GMS) Economic Cooperation Program, ASEAN, and the World Trade Organization (WTO).

#### **CHAPTER 4. LEGAL FRAMEWORK FOR CIVIL SOCIETY IN LAOS**

Civil society consists of a wide range of non-governmental and not-for-profit organizations through which people get together to pursue shared interests or values in public life (Directory of Lao CSO, 2017). In the international development context, these organizations and social movements can be found at international, national, regional and local levels, for example: NPAs, International Non-Government Organizations (iNGOs), community-based organizations, faith-based organizations and universities etc. In Lao context, civil society organizations are viewed as partners of the government, and are not referred as non-governmental organizations as the latter may be construed as against the government (Belloni, 2014).

The Lao constitution (article 44) grants its citizens the right and freedom of speech, press and assembly as well as the right to set up associations and stage demonstrations that are not against the laws of the country (Lao People's Democratic Republic [Lao PDR], 2003). However, a regulatory framework that allowed citizens to form associations did not come into effect until 2009. Therefore, in the absence of governing legislation, Lao NPAs had no means to be recognized or function as legal entities. Local CSOs existed via de facto means such as by registering themselves with a Lao government agency or their technical department (Civil Society Briefs, 2011).

On April 29, 2009, the Prime Minister signed the Decree (no. 115 of 2009) on Associations, allowing for the central registration of local NPAs for the first time. According to the decree, CSOs are organizations recognized by the Lao PDR government that implement projects to support the National Social Economic Development Plan (NSEDP) and contribute to socio-economic development of the country and poverty reduction (Directory of Lao CSO, 2017). NPAs operate on voluntary basis in order to protect the rights and legitimate interests of the local communities, the association and its members. The NPAs are administered by the Ministry of Home Affairs (MoHA), and are recognized as legal entities according to decree no. 115. The 2009 decree was amended and the new decree on Associations came into effect on 15<sup>th</sup> December 2017. Pursuant to its article no. 81, the 2017 decree supersedes the 2009 decree (Decree on Association, 2017). A report from Lao CSO Network shows the different types of CSOs (of those required to register under the NPA decree), and reveals that most CSOs are NPAs working either in social or business development (Registered CSOs in Laos, 2015). A report from Learning House for Development divides NPAs in working sectors, and reveals that the most popular sector to work in as an NPA is agriculture (*ibid*).



## CHAPTER 5. THEORETICAL BACKGROUND

Civil society is generally seen as the realm of organized social life, which contains citizens who voluntarily act together to defend or promote their interests toward the state (Diamond, 1994). The most common feature of civil society is that it is a realm between state and family (Perinova, 2011). Furthermore, the concept can be based on different features: "a social sphere; associations within that sphere; their activities in relation to state or other [*civic*] dimension of those activities" (Sjorgen, 2001). Regardless of what characteristic of civil society is emphasized, the concept encompasses organizations of different types that represent a multitude of interests within the society, such as advocacy groups, social services associations, churches, political parties, trade unions etc. At a time, civil society associations may pursue complimentary or contradictory pursuits; representing a phenomenon of constant progress and necessary contrast needed for a "bare minimum of consensus necessary for settled existence" (Hall, 1995). Civil society, however, not only exists within states but also at a transnational level, and at times referred to as a "global civil society" (Carter, 2010).

From a western liberal perspective, civil society can be interpreted as a "valuable dimension or adjunct of established liberal politics" (*ibid*). The liberal ideology that recognizes civil society organizations, acting as independent entities and taking the responsibility to represent society to the state accounts for most of the literature on civil society (Landau, 2008). The nineteenth century theorist, Alexis de Tocqueville and his work on *Democracy in America* is often cited as a forerunner of contemporary understandings of civil society. In his work, De Tocqueville noted the importance of voluntary associations in promoting social interests of the citizens, creating a healthy democracy, and curtailing the scope of state interventions.

Within Marxist ideology, the concept of civil society wasn't accepted well as it was understood as a class-dominated "bourgeois society" (ibid). Antonio Gramsci, in his *Prison Notebooks*, was the first Marxist thinker who envisaged the positive aspects of civil society. According to Gramsci, civil society is a complex amalgam of religious, cultural, educational and occupational interactions that exist between the state and the individual tended to transmit dominant ideology but could also be used as a base for resistance. For Gramsci, the state does not simply control society through coercive or regulatory means. It exercises ideological hegemony by manufacturing cultural and ideological consent in civil society (Femia,1981).

In recent years, the concept of civil society re-emerged as a central idea in the global resurgence of democracy, also known as the third wave of democratization (Perinova, 2011). This is related to the emergence of social activism during the 1980s in the socialist states of Central and Eastern Europe, marking the beginning of an unprecedented wave of democratization from 1974-1991. Post 1991, the number of civic organizations appearing on a global scale continued to rise as the soviet bloc disintegrated and disappeared. The term global civil society began to be referred to the transnational activism and activism of various non-governmental organizations and social movements (Lipschutz, 2010).

In the global context of civil society, since there is no 'world state' for social actors or institutions to strive for autonomy with or against, the global political economy acts as a single guiding entity in place of a state (ibid). The civil society agents pursue their goals through institutions – that is through the rules and authority of their national and/or transnational agencies in an effort to bring change in the moral behavior of a state and market-based actors.

Lipschutz points that, "In this respect, global civil society is generated by agents who seek to resist or moderate the expansion of the market into various realms of social life but who may,

nonetheless, act in ways that, perhaps unwittingly, support the logics of the market and its further expansion. Paradoxically, the same relations of power that give rise to this form of social action also engender movements that pursue major structural change in the global political economy, this in a quest to alter the social ethics that enable or constrain individual and corporate autonomy within politics and markets. In other words, global civil society manifests itself in two forms, acting alternatively through markets or politics” (ibid).

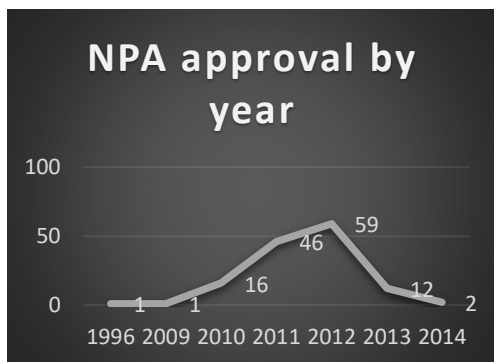
## **CHAPTER 6. ANALYSIS OF CIVIL SOCIETY IN LAOS**

Current development in Laos signals that the quality of associational life under an authoritarian regime is quite poor as the public sphere is tightly regulated by the state (Delnoye 2010). For example, an open letter signed by The International Commission of Jurists (ICJ), Amnesty International, Human Rights Watch, the International Federation for Human Rights (FIDH), the Asian Forum for Human Rights and Development (Forum-Asia), ASEAN Parliamentarians for Human Rights (APHR), the International Service for Human Rights (ISHR), The Centre for Civil and Political Rights (CCPR-Centre) and World Organisation Against Torture (OMCT) was released on 13<sup>th</sup> December 2017 addressed to the government of Laos to repeal or significantly amend its Decree on Associations (2017) to bring it into line with international human rights law and standards (Joint Letter, 2017). As Femia explained, the orthodox Marxist antagonism for civil society develops out of an opposition to the early liberal philosophy of individualism; which recognizes primary importance of individual autonomy, its role in securing one's own interests while acting as the fundamental unit of political life (Femia, 1981). This

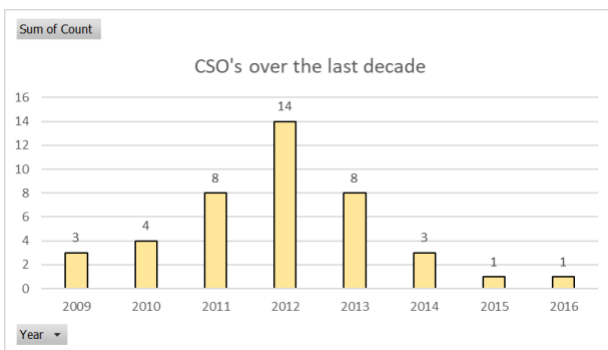
ideology is different from socialism, which unreservedly gives society precedence over the individual and assumes their common subordination to the state (*ibid*).

Only one side of state-civil society dichotomy [where the state is associated with coercion and civil society with freedom and where these two realms oppose each other] is seen in Laos. Civil Society was, and continues to be, actively suppressed by legal and coercive means in Laos. According to articles 31, 48, 77 and section 12 of the Decree, the state retains the right to criminally prosecute the "non-state" associations or their individual members if they violate any terms of the decree. Furthermore, under the current law, the government has the “power to unreasonably control and/or prohibit the formation of associations; arbitrarily broad powers to inspect, monitor and curtail the activities and finances of associations; the power to order the dissolution of associations on arbitrary grounds and without right of appeal; and powers to discipline associations and individual members on arbitrary grounds” (Joint Letter, 2017).

The extent of state’s control and the fear in which the CSOs exist can be seen in the difference in number of CSOs that registered themselves with the Lao CSO directory in 2015 and 2017. A number of resources, including United Nations report on Lao Civil Society, Lao CSO Directory and Capacity Assessment report of Lao CSOs by a Finnish NGO reported that there were 140 NPAs operating in Laos in 2014 (Country Analysis Report, 2015; Directory of Lao CSO, 2017; Reflections on Lao Civil Society, 2015)



Source: Lao CSO Report, Cuso, 2015



The 2017 directory reports that currently there are a total of 63 NPAs operating in Laos. There is a drastic difference between the number of CSOs reported in Lao CSO Network's 2015 versus 2017 reports. The directory also notes that all CSOs known to the network were invited to be included in the directory and some decided not to be included in the 2017 directory. The sharp fall in number of CSOs who are willing to present themselves publicly showcases the fear in which the Lao NPAs continue to operate.

Similar to the relationship that exist between NGOs and China's authoritarian state, an aspect of contingent symbiosis seems to exist between the CSOs and the Lao state (Spires, 2011). The Lao state recognizes CSOs' role as assisting rather than criticizing or challenging the state. The tendency of many CSOs in Laos to work within the strictures imposed upon them by the Party; legally, informally, and/or formally, can perhaps be regarded as an example of consent within society to its own boundaries, its relationship with the state, the limits of its role regarding the state and to the nature of the regime itself. This relationship between CSOs and the state can also be characterized as "interrelatedness rather than separateness" (Beckman, 2002). That is, the state and civil society, in an authoritarian regime are more inter-connected and complex than opposing autonomous forces fighting for their own space. On the one hand, the state determines the legal framework and other basic social conditions for functioning of the civil society organizations in Laos. On the other, civil society organizations tend to take over the state's responsibilities by different means: sometimes informal; that is, due to the incapability of the state to provide services to those in need; and formal, whereby the state commands, can be via legal means or by setting up conditions under organization's registration by laws, take on service-delivery role.

Consequently, it becomes difficult to view CSOs in Laos as opposing the state. The opposition, however, comes via international means. The local CSOs tend to follow the set guidelines and cooperate with the state to achieve their goals. Therefore, this interaction between the state and civil society constitutes opposition, cooperation as well as compromise. I share the view that based, on the analysis of civil society in Laos, the compromise between the state and CSOs is the chief determinant characteristic of civil society organizations in Laos. The CSOs are not looking to change regime but rather defend their right to exist. In doing so, they comply with state's regulations. Consequently, the civil society steers away from liberal perspective of civil society, and creates its own realm, thereby defining civil society from its own [Laotian] perspective.

Finally, given the economic dependence of the civil society on foreign donors, it is crucial that the international community fosters a way to understand civil society in Laos from a Buddhism perspective. The fundamental Buddhist belief that in life, suffering is inevitable, is applicable not only at the individual level but also at the family, community and at the larger society level. Buddhists believe that suffering arises from one's desire to have and control things. Societal institutions and policies can be understood as constructs of such human desire. While much of the international community focuses on development in terms of activities, outcomes and capacity for community development, a shift in focus on human processes and social development may go long way when addressing issues within a developing civil society rooted in Buddhist philosophy.

## **CHAPTER 7. CASE STUDY OF HJA**

Huam Jai Asasamak (HJA) or *United in Volunteering* is a non-political, community-based organization legally registered as a local NPA situated in Vientiane, Laos. The organization was

originally set up in 2003 as a research project to study volunteerism amongst Lao youth. The research project was funded and put in place by the Canadian iNGO, Cuso International Laos. As a result of this research, Lao's first national youth volunteering program was established in 2007 and it focused on recruiting youth between the ages of 18 and 25, UXO (Un-exploded Ordinances) victims, and ethnic minorities from Lao's rural areas. Given the socio-economic condition of the communities in the rural areas, youth who had not completed their high school education were given a priority under this program. The idea was to enhance personal development and develop technical skills of the rural youth by placing them with various developmental organizations so they are able to go back into their community and participate in sustainable development. Since 2007, HJA has been quite successful in creating placements for the Lao Youth by partnering with various iNGOs, the local NPAs and other civil society associations operating in Vientiane, Laos. After finishing their internship, via its Volunteer Alumni Program (VIP), the youth are encouraged to write a proposal and submit to HJA for funding to start a community development project within their own village. Although the organization has been operational since 2007, it was on the 6<sup>th</sup> of February 2014 that HJA received official permission and approval from the MoHA to become a Lao NPA.

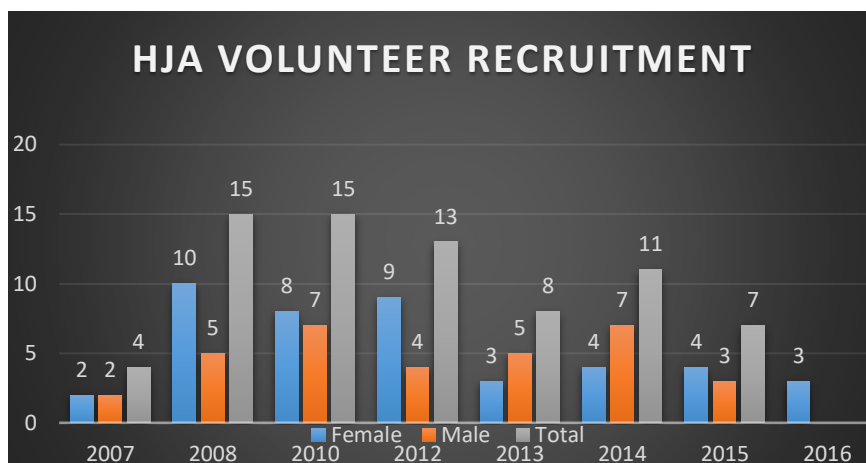
Challenges are a part of every organization, however, for NGOs or CSOs, they can be divided into two main categories: intra-NGO and inter-NGO (Bromideh, 2011). As the name suggests, intra-NGO challenges deal with national or international challenges that an organization may face and the latter corresponds to challenges that are internal organizational issues. Most NPAs in Laos were established in the recent years; therefore, they are inexperienced and rely on donor support in managing their challenges. Due to their inexperience, the NPAs in Laos face many organizational and management challenges. Limited institutional capacity of the Lao NPAs

is related to restricted ability of the associations in the areas of human resources, strategic leadership, financial management, infrastructure, program, and process management, which ultimately affect their capacity to efficiently use their resources, systems and processes to carry out the work of their mandate. Other challenges include limited funding, staff turnover, and lack of institutional memory due to key staff and leadership change.

For HJA, particularly in 2016, the organization had a hard time finding sufficient and continuous funding for their work. The list of available donors was limited to two (Cuso International and McKnight Foundation), and the staff lacked the ability to gain access to additional donors. Locally, the only resources that were available for the organization were trainings offered by the various NGO networks for the staff to improve their writing skills, presentation skills or grant writing skills. In general, HJA suffered from a general lack of project, organizational and financial sustainability.

The decrease in funding over the years has affected HJA's volunteer recruitment capabilities including: securing new placements, volunteer supervision and retaining good partner relationship. HJA's strategic plan of 2017 - 2021 highlights the need for fundraising in order to support its project activities (Strategic Plan, 2017). Due to the lack of funding, the numbers of volunteers recruited by the organization have increasingly fallen since 2015 as shown in the diagram below.





Source: HJA Strategic Plan 2017-

Additionally, the lack of funds also affected the organization’s capacity to hire new staff to effectively manage its programs. During 2016, the organization’s Program Coordinator had left the organization and without much leadership or guidance, HJA’s 3 staff members struggled to run 3 different programs while also trying to communicate with its partner organizations on a regular basis.

In terms of intra-NGO challenges, HJA’s capacity assessment report of 2012 makes a brief comment on the complications related to the lengthy registration process of the NPAs. HJA’s application to become a NPA remained “under review” for 2 years, a process that Jensen refers to as over-complicated and cumbersome (Jensen, 2016). Additionally, according to the decree, the NPAs are required to work in close cooperation with the Lao government and participate in regulatory supervision and evaluation by the MoHA. Consequently, in 2016, HJA signed a memorandum of understanding (MoU) with Lao People’s Revolutionary Youth Union (LYU), according to which HJA is required to provide the following supports: 1) Providing career development training to youth at LYU centres 2) Supply sewing machines for one of the LYU vocational training centre 3) Supply livestock for LYU’s livestock production project and 4)

Implement foreign volunteers exchange program for the LYU. All these activities require HJA to be financially strong in order to fulfil what is outlined in the MoU. In return, HJA seeks legitimacy as a Lao civil society organization by enduring the financial burdens related to fulfilling the terms of MoU. This also shows how CSOs end up manifesting their role as service-delivery partners of the Lao government and the provisions of the decree may end up being more restraining than enabling. The relationship between the NPAs and the Lao government can be explained with the help of neo-institutional theory, that explains how organizations develop within a given context. That is if organizations follow structures that are culturally accepted, and practices that are supported by the legal frameworks and normative authorities, their survival rate is higher (Jensen, 2016).

Another aspect of intra-NGO challenges is donor-NGO relationship. Since, HJA was originally started as a research project funded by Cuso International, over the years, both the organizations have worked hard to establish clear guidelines for the relationship between Cuso and HJA (Capacity Assessment Report, 2012). This is a complicated relationship between HJA and Cuso because HJA does not have the funds to secure its own premises and it continues to share two rooms within Cuso's office space- free of cost. They use the common meeting room for training during the closed office hours, and many activities are done outdoors because of the limited office space. In the past, HJA had also sought help from Cuso with their financial management processes since the organization did not have an accountant or staff with accounting skills (*ibid*). Now, HJA gets help from the local Lao Network with its financial management as well as writing different organizational reports such as its 4-year strategic planning.

Another way of assessing challenges faced by HJA is analyzing its capacity assessment reports. The purpose of the assessments was to analyze the organization's program performance,

assess needs, and set staff development plans to strengthen both individual and team capabilities. Since 2007, the organization has participated in two organizational capacity assessments: the first assessment was conducted in 2012 while HJA was going through the process of becoming a NPA, and the second assessment was completed in 2016. Both assessments were commissioned by Cuso International, and conducted by Cuso International's Volunteers. By comparing organizational challenges between the years 2012 and 2016, it is possible to see how HJA managed those challenges and analyze its trajectory of growth in order to continue working as a civil society organization in Laos.

Most of the organizational challenges have remained the same between the 2012 and 2016 assessments, and they are: the lack of funding, diversification of funds, dependence on Cuso international's office space, staff competence to write grant proposals and general English writing/speaking skills to communicate with foreign donors. The English speaking skills are crucial for the organization, as their funding sources are foreign based and often only communicate in English. Without funding, it is hard for HJA to achieve its program objectives as well as to form relationships with the Lao governmental agencies. A goal that has remained constant for HJA since 2003 is its desire to become a strong and independent civil society organization. However, what the term "strong and independent" infers has changed over the years, particularly before and after becoming a NPA. For example, the 2012 assessment notes that in order for HJA to become an independent organization, the organization aims to build stronger relationships with local civil society organizations and enhance capacity so it is able to secure more funding. However, in 2016, the organization aimed to secure more funding as well as build stronger relationship with the Laos government in order to become stronger and independent. The 2016 assessment also includes feedback from the staff collected during the 'Visioning the Future' workshop. The employees

noted that the five most important organizational strengths and weaknesses/challenges of HJA were the lack of funding, lack of leadership, its desire to “improve” relationship with the governmental agencies, HJA not sufficiently known to other organizations, and lack of experience as HJA is a new organization.

## **CHAPTER 8. CHALLENGES THAT LIE AHEAD**

The Lao government continues to tightly monitor the development of civil society in Laos. As mentioned in the joint letter, the international community has asked the Lao government to comply with the international human rights and laws and amend and repeal the changes introduced to the decree in 2017. In particular, the Laos government is asked to allow its citizens to freely form associations, to incorporate an association without going through a separate legal procedure as well as to curtail its power to dissolve association especially on the basis of differences in political opinion.

In terms of HJA, the organization has secured a funding from the European Union in collaboration with Oxfam Laos for a 4-year community development project. The organization also hired a new team leader, a program coordinator and a program management advisor in 2017 and continues to develop its organizational capacity by aligning with local and international CSOs operating in the area. That being said, local CSO’s continue to face challenges due to tightening state control and lack of a healthy “enabling environment”.

## CHAPTER 9. CONCLUSION

The objective of this paper was to analyze the different challenges faced by HJA in 2016 in order to gain a brief insight into the current political and legal environment that persists around civil society in Laos. Civil Society is a recent phenomenon in Laos, with no models for a functioning civil society and lacking civil society maintenance structures (Delnoye, 2010). With the support from Lao government, as well as international development partners, it is expected that Lao civil society will continue to develop in its own localized form. Instead of striving for autonomy or making demands from the state, civil society actors are exploring ways to work in cooperation with the government to create grounds for their existence, and to maximize their impact.

Based on my observations while working with HJA in Laos, it can be said that cooperating with the Laos government has its own challenges. On the one hand, CSOs gain legitimacy by aligning themselves with a governmental organization. On the other, it comes with a financial burden of fulfilling demands put forward by the government. One of the common challenges for CSOs is the lack of funds. The additional financial strain to fulfil state's demands can affect an organization in number of ways. For example, for HJA, signing a MoU with Lao Youth Union added a financial strain as the terms of engagement dictated that HJA supply sewing machines, computers and different trainings to government's youth centres. Additionally, it affected the organization's ability to attend to its own programs as well as steer away from its own mission and vision values. Straying away from vision and mission values can affect an organization's objectives, thus the outcomes, which in turn can affect funding from donors. Donors such as iNGOs expect civil society to take on a broader and diversified role beyond service delivery (Delnoye, 2010).

Cooperation from Laos government to discard their rigorous control mechanism is crucial to develop a legitimate and well rooted civil society in Laos. In order to do this, Delnoye suggests a two-tier approach: working top-down, improving understanding and acceptance of civil society amongst policy makers, and bottom-up by increasing awareness and building capacity of citizens for active involvement. The latter approach is crucial because information regarding citizen rights is limited amongst the rural population of Laos (*ibid*).

Although there is a tremendous support from the local CSO networks and the international development community in providing different kinds of training to improve capacity of the civil society actors, it is limited and ineffective because it is built on straight forward training modalities addressing generic management issues. Research regarding diversifying training methods to enhance capacity of CSOs is needed so international community can be engaged in a more effective capacity building mechanisms.

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