

CONSTITUTION OF THE KINGDOM OF LAOS-MAY 11, 1947

(As amended to April 1, 1965)

PREAMBLE:

Laos, conscious of the role which its history assures it, persuaded that its future can be based only on the union of all the provinces of the country, solemnly proclaims its UNITY and its INDEPENDENCE.

The people of Laos affirm their loyalty to the monarchy and to the dynasty of HIS MAJESTY SISAVANG VONG, King of Laos.

They declare that they wish to be under/<sup>a</sup>democratic form of government.

The present Constitution recognizes as fundamental principles the rights of the Lao, especially equality before the law, legal protection of the means of existence, the freedom of conscience, and other democratic liberties, subject to conditions defined by law. It imposes as obligations service to the country, respect of conscience, practice of solidarity, fulfillment of family obligations, application to work and to instruction, integrity, and observance of the law.

TITLE I - GENERAL PRINCIPLES:

Article 1 - Laos is a united kingdom, indivisible and democratic. Its capital is Vientiane.

Article 2 - The emblem of the Lao nation is a red flag bearing in its center the traditional white three-headed elephant resting on a pedestal of five steps and surmounted by a white umbrella of seven tiers. The Lao National Anthem is Xat Lao. The words and music are established by law.

Article 3 - The national sovereignty emanates from the Lao people. The King exercises this sovereignty in conformity with the provisions of the present Constitution.

Article 4 - All individuals belonging to races definitely settled on Lao territory are Lao citizens, so long as they do not already have another nationality. The conditions for acquisition and loss of Lao nationality are established by law.

Article 5 - All nationals of both sexes, having reached their majority and enjoying their civil and political rights, are voters, subject to conditions determined by law.

Article 6 - The official language is the Lao language.

Article 7 - Buddhism is the State religion. The King is its High Protector.

TITLE II - THE KING:

Article 8 - The throne of Laos is the heritage of the Crown Prince or of the male descendents of King Sisavang Vong, in accordance with the dynastic rules of devolution of the crown and the customary law of succession to the throne.

The King is the supreme head of the State.

His person is sacred and inviolable. He must be a devout Buddhist.

Article 9 - The King has the authority to designate an heir to the throne as well as to revoke this decision.

This designation will be made according to the dynastic rules of devolution of the crown and the customary law of succession to the throne.

In the event of a vacancy of the throne, and an heir not having been designated by the King, the new Sovereign will be proclaimed King of Laos by the National Congress on the proposal of the King's Council.

Article 10 - In the event of legal or physical incapacity of the King, determined by the King's Council on the advice of competent medical authority his power will be exercised by a Regent.

The Regent will be the Crown Prince, if one has been designated and if he has reached his majority.

In the absence of a Crown Prince or in the event of his legal or physical incapacity determined in the same manner as above, the Regent will be a member of the royal family designated by the King's Council with the concurrence of the National Assembly.

The rules prescribed in the three preceding paragraphs will apply when the King is a minor.

Article 11 - The Regent will enter upon his duties only after having taken, at the principal temple of Vientiane in the presence of the members of the National Assembly and of the King's Council, the following oath:

"I swear to be loyal to the King, to the Constitution, to the laws of the Kingdom and to devote myself to the interests of the country."

Article 12 - While awaiting the designation of the Regent, the King's Council will assume the direction of the affairs of the Kingdom. The same will apply in the case of the temporary absence of the King from Laos. In this event, the King's Council will be in continuous session.

Article 13 - The King sanctions and promulgates by Royal Decree the laws voted by the National Assembly in conformity with the conditions established in Article 30. He enacts by Royal Decree the statutory provisions proposed by the Government and countersigned by the responsible Ministers.

In case of the impossibility of convening the Deputies because of exceptional circumstances, the King, with the agreement of the Standing Committee of the National Assembly, is authorized to take legal measures by Royal Decree subject to subsequent ratification by the National Assembly.

The King signs treaties concluded with foreign States and ratifies them following favorable consideration by the National Assembly.

Article 14 - The King is the Supreme Commander of the Armed Forces. He cannot declare war without the concurrence of the National Assembly, voted by two-thirds of its entire membership.

Article 15 - The King creates and confers, pursuant to the law, the civil and military ranks.

Article 16 - The King has the right of pardon and commutation of sentence.

Article 17 - The King exercises his authority through the intermediary of the Ministers designated by him when they have received the confidence of the National Assembly, except in the special case provided for in article 19.

He presides over the Council of Ministers. Whenever he is prevented from presiding he may delegate the Presidency.

Article 18 - The King, besides his private property, enjoys the use of the real and personal property belonging to the State and grouped under the name of "Crown Property". This property includes:

- a. Real Property: palace, mansions, villas, parks, forests, royal sepulchers.
- b. Personal Property: crown jewels, museum, furniture, household goods.

TITLE III - THE COUNCIL OF MINISTERS:

Article 19 - The King designates the President of the Council, who forms the Government with the approval of the National Assembly.

The President of the Council and the Ministers can be appointed only after a vote of confidence of the National Assembly by an absolute majority of the members present, not including Deputies who are candidate members of the Government (Ministers-designate or Secretaries of State-designate) who do not have the right to vote.

The members of the Government must, after their appointment and before taking office, take the following oath at the principal pagoda of Vientiane in the presence of the President and members of the National Assembly:

"I swear to be loyal to the King, to the Constitution and to defend them, to serve the country and the Lao people with conscience and integrity."

In case of a vacancy through death, the King will designate a new President of the Council provisionally chosen from the active Ministers, who will present himself as soon as possible

for the approval of the National Assembly, in conformity with the 2nd paragraph of this article.

Aside from the normal circumstances provided for Article 17, solely in the necessity of safeguarding the Kingdom's vital interests due to its very existence being threatened, on the initiative of the Government in power, the National Assembly and the King's Council will be convened as the National Congress to request His Majesty the King to assume charge of the Government, or to designate a Government of his choice not withstanding any conditions provided for in Article 21. In this case, parliamentary investiture will not be requested.

The Government appointed in such circumstances will function for a fixed term which the National Congress shall set by a majority of two thirds of the members present. This term can be extended with the approval of the National Assembly.

In the case of acceptance by the Sovereign of the measures made necessary by such circumstances, the Government in power shall hand over its power to His Majesty the King.

Article 20 - The Ministers may be selected from the members of the National Assembly or from elsewhere.

There is no incompatibility between the office of a member of the Government and the mandate of Deputy. However, Deputies serving as members of the Government or being candidates for such office may not participate in a vote of confidence or in votes on motions of censure.

Article 21 - The President of the Council and each of the Ministers direct one or more ministerial departments and can initiate laws.

Secretaries of State may be appointed under the same forms and conditions as Ministers.

The President of the Council and the Ministers are responsible before the National Assembly collectively for the general policy and individually for their personal acts.

The President of the Council may be assisted in exceptional circumstances by a Vice-President of the Council, who must have well-defined functions. He will be appointed under the same forms

and conditions as the Ministers. No Ministers of State (i.e., Ministers without portfolio) can be appointed.

The members of the Government receive a salary and allowances which are fixed by law.

Article 22 - The refusal by the National Assembly to accord its confidence to the Government, or the vote of a motion of censure, involves the resignation of the entire Government.

This denial of confidence or this motion of censure may take place no sooner than twenty-four hours after it has been moved, and will be adopted only by an absolute majority of the Deputies present in the National Assembly, not including the Deputies who are members of the Government.

Votes with respect to persons will always be conducted by secret ballot, but votes of confidence or motions of censure may be conducted by either secret or public ballot.

The resigning Government will continue to function in a caretaker capacity until the installation of the new Government.

Article 23- The members of the Government are punishable by law for crimes and offences committed in the performance of their duties.

They may be indicted by the National Assembly and tried by the King's Council serving as a High Court of Justice under the conditions established by law. To function validly, the National Assembly should convene a majority of two-thirds of its entire membership. The National Assembly makes a ruling by a two-thirds majority of its members present.

#### TITLE IV - THE NATIONAL ASSEMBLY:

Article 24 - The National Assembly is composed of Deputies elected every five years by universal suffrage, under conditions fixed by the electoral law, except in the exceptional case provided for by Article 25.

Deputies / <sup>are</sup> representatives of the entire nation and not only of their constituents. They cannot be bound by an order to act in any preset manner.

Article 25 - The duration of authority of the National Assembly is fixed at five years.

The National Assembly convenes on the 11th of May, upon convocation by the King, in an annual session of five months. The King may extend the duration of the session or proclaim the closure of the session during this period of five months.

The King may also convoke the National Assembly in extraordinary session, either on His own authority, or on the proposal of the Council of Ministers, or on a request made by the Standing Committee of the National Assembly, or by at least half of the Deputies.

Sessions will be solemnly inaugurated and closed by the King or His representative.

In the case of grave trouble or (the outbreak of) war jeopardizing the existence of the State, and in the consideration of the necessity of safeguarding and defending the sovereignty, neutrality, and territorial integrity of the Kingdom, and in consideration of the impossibility of guaranteeing the security of voting, the election of Deputies for a new legislature may be postponed until a later date. This postponement will be made on the advice of the National Congress convened on the initiative of the existing Government. His Majesty the King will later set the date upon which the election will take place.

In the intervening period, the King may decide:

1. -to preserve for the outgoing Assembly all of its powers until the proclamation of the election results for the new National Assembly;
2. -or to hold an election using simplified procedures of limited suffrage for Deputies to a new National Assembly replacing the Assembly whose mandate has expired;
3. -or, after limited popular consultation, to appoint new Deputies to replace to outgoing Deputies.

In every case, the procedures of election or appointment of deputies will be fixed by Royal Decree and approved by the Council of Ministers with/<sup>the</sup> concurrence of the King's Council.

The King, if such is His will, may add Deputies to the National Assembly, but their number must not exceed 1/3 of the number of Deputies normally fixed by the electoral law.

Article 26 - The National Assembly is the judge of the eligibility of its members and the regularity of their election, taking into consideration the report of the special committee established by law. The Assembly alone may accept their resignation and declare them deprived of their mandate.

Article 27 - Before taking office, the members of the National Assembly whose election has been certified will take the following oath in the Assembly Hall:

"I swear to be loyal to the King, to the Constitution and to defend it, to represent the people with independence and to work with all my strength for the welfare of the country."

Article 28 - The National Assembly votes laws, particularly those concerning:

- the annual budget of the nation
- the national debt
- administrative accounts
- regulation of official personnel
- the revision of Lao laws
- the organization of the Kingdom
- amnesty
- ratification of treaties

In addition, it studies in committee all bills and proposals of law presented to it.

Article 29 - The Deputies initiate the laws.

They may also constitute special committees to handle all inquiries and investigation concerning the various governmental and public service organizations.

Article 30 - Laws voted by the National Assembly are presented to the King's Council to be submitted for His Majesty's approval. These laws must be promulgated within a period of two months. During this period, the King's Council might, based on justifiable reasons, request reconsideration by the National Assembly. In case the original bill is upheld by an absolute majority of the Deputies present, its promulgation will be obligatory. If the promulgation is not effected within a period of fifteen days after the date of notification of this confirmation to the King's Council, the law will be promulgated by the President of the National Assembly.

If an absolute majority is not attained, the remarks and observations of the King's Council will be considered as adopted and the text of the law will consequently be cancelled or modified, and the promulgation of the modified text will take place in the manner already stated.

With respect to emergency laws, the period for promulgation will be reduced to one month.

Article 31 - After the closing of a session, the Standing Committee of the National Assembly will continue to function. It is empowered to supervise Government operations and to ensure the confirmative powers of the National Assembly set forth in Article 30, subject to subsequent ratification by the National Assembly.

It will also be charged with the study of bills and proposals of law which are received after the closing of the session, as well as all duties specifically entrusted to it by the National Assembly.

Article 32 - The National Assembly imposes internal regulations upon itself which it may freely modify.

At the beginning of each ordinary session it elects its annual Standing Committee.

Article 33 - The King may dissolve the National Assembly upon the proposal of the Council of Ministers with the agreement of the King's Council. In this event, new elections will take place within a period of ninety days.

The new National Assembly must convene thirty days after its election.

Article 34 - During the course of a session, no member of the National Assembly may, except in the case of flagrant criminal offense, be accused or arrested without authorization granted by a two-thirds majority of the Deputies present.

In the case of arrest while committing a criminal offense, the National Assembly must be advised immediately. In no case, may the investigation of the case prevent the member from taking his seat in the National Assembly.

Article 35 - No member of the Assembly may be prosecuted or investigated because of opinions expressed or votes cast by him in the exercise of his functions.

This parliamentary immunity is also extended to all persons who print or publish the reports of sessions when these are not secret.

Article 36 - The members of the National Assembly receive a salary fixed by law.

TITLE V - THE KING'S COUNCIL:

Article 37 - The King's Council is composed of twelve members, constituted as follows:

- a. Six members designated directly by the King.
- b. Six members designated by the King after having been nominated by the National Assembly.

The members of the King's Council assume office only after having taken, in the presence of the Council, the oath prescribed in Article 11.

The provisions of Article 25 with respect to the duration of the mandate, convocation, and session are applicable to the King's Council except in the cases prescribed in Article 12.

The King's Council imposes internal regulations on itself which it may freely modify.

The members of the King's Council enjoy the same rights and privileges as are granted to Deputies under Articles 34 and 35.

The members of the King's Council receive the same parliamentary allowances and enjoy the same privileges and immunities as Deputies.

The mandate of King's Councillor is compatible neither with that of Deputy nor with the office of Minister.

Article 38 - The King's Council examines and gives advice, pursuant to the provisions of Article 30, pertaining to laws voted at the first reading by the National Assembly.

It gives its advice on all bills and proposals of law and on all questions submitted to it either by the King or by the Government.

The members of the King's Council may initiate laws and submit their proposals to the National Assembly.

The King's Council may in exceptional cases be constituted as a High Court of Justice.

After the closing of each session, its Standing Committee will continue to function.

TITLE VI - ADMINISTRATIVE AND JUDICIARY ORGANIZATION:

Article 39 - The provinces form territorial units. Their extent and organization will be established by law.

Certain important urban centers may have a special organization.

Article 40 - Every Province will be administered by a Chao Khoueng, who will be assisted by a provincial council elected from within the province.

Article 41 - Provinces may be granted an autonomous budget, whose receipts, expenditures, administration, and control will be established by law.

Article 42 - The organization, the authority, and the competence of the judiciary and administrative tribunals as well as conflicts of jurisdiction, will be established by law. In addition the law guarantees the independence of the judiciary authority in relation to the legislative and executive authority.

A superior Council of Magistrates will be established by law to ensure discipline of the magistrates who are not in the public prosecutor's department, and to determine the rights and obligations of the magistrates.

TITLE VII - FINAL PROVISIONS:

Article 43 - The revision of the present Constitution will be accomplished as follows:

The resolution of revision may emanate either from the King's Council, the Council of Ministers, or an absolute majority of the members present in the National Assembly.

Every resolution of revision must be accompanied by a bill for revision or amendment.

The National Assembly and the King's Council will solemnly convene in National Congress upon convocation by the King to consider

the proposals for revision or amendment. The bills for revision or amendment can be adopted only by a two-thirds majority of the members present.

The President of the King's Council is President of the temporary committee of the National Congress charged with the opening of the session and the election of the permanent officers of the standing committee.

Provisions relating to the monarchic, unity, and indivisible form of the State, to the representative character of the Government, and to the principles of liberty and equality guaranteed by the present Constitution cannot be the subject of any proposal for revision.

Article 44 - The present Constitution will come into effect fifteen days after its promulgation.

The National Assembly will be the final interpreter of the text.

Significant dates related to the Constitution:

- May 11, 1947 - Effective Date
- September 14, 1949 - Modification
- March 22, 1952 - "
- September 29, 1956 - "
- August 30, 1957 - "
- July 30, 1961 - "
- April 1, 1965 - "

\*\*\*\*\*