

Laos Constitution 1947/1949

11 May 1947

Laos, conscious of the role conferred by its history, confident that its future must reside in the union of all the provinces of the country, through the voice of its elected representatives, solemnly proclaims its unity.

The people of Laos affirm their loyalty to the monarchy and to the person of the Sovereign of Laos, His Majesty Sisavang Vong, and they adopt democratic principles.

The present Constitution recognises the following as the fundamental principles of the rights of Laotians: equality before the law, legal protection of the means of existence, and the liberties of man within conditions of exercise defined by the Law, in particular, individual liberty, freedom of conscience, freedom of speech, writing and publishing, and freedom of assembly and association.

The Constitution imposes the following duties: service of the country, respect for conscience, observance of solidarity, carrying out of family obligations, attention to work and education, integrity and observation of the law.

Laos declares that it is an independent state and a member of the French Union.

As such, in the enjoyment of its liberty and of an organisation appropriate to the development of all its resources, Laos will be in a position to fulfil its appropriate role, and to take advantage of the qualities and activities of its best citizens.

- 1.—Laos is a unitary, indivisible and democratic Kingdom. The capital is Vientiane.
- 2.—The national emblem is a flag with a red field, bearing in the center the three-headed white elephant surmounted by the white umbrella.
- 3.—National sovereignty emanates from the Laotian people. The King exercises this sovereignty in accordance with the provisions of the present Constitution.
- 4.—All persons belonging to races definitively established in the territory of Laos and having no other nationality are Laotian citizens.
Conditions for the acquisition or loss of nationality shall be fixed by law.
- 5.—All male citizens, who have attained their majority and enjoy civil and political rights, may vote under conditions determined by the law.
- 6.—The official language is Laotian. The French language shall also be used as an official language.
- 7.—Buddhism is the religion of the State. The King is its High Protector.

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THE KING

- 8.—The King is the supreme head of state. His person is sacred and inviolable. He must be a fervent Buddhist.
- 9.—The King has the power to appoint an heir to the Throne as well as to withdraw such an appointment.
This appointment shall be made according to the dynastic rules for the inheritance of the Crown and the customary law of succession.

When the Throne is vacant and an heir has not been appointed by the King, the appointment of the new sovereign shall be made by the Council of the Royal Family.

- 10.**—In the event of incapacity of the King, decided by the Council of the King, or of his minority, his power shall be exercised by a Regent.

The Regent shall be a member of the Royal Family appointed by the Council of the King with the agreement of the National Assembly.

- 11.**—The Regent shall enter upon his duties only after having taken the following oath before the National Assembly:

“I swear to be faithful to the King, the Constitution and the laws of the Kingdom and to devote myself to the good of the country.”

- 12.**—Until the appointment of a Regent, the Council of the King shall be responsible for the direction of the affairs of the Kingdom. It shall be similarly responsible in the event of the temporary absence of the King outside Laos. In such cases the Council of the King shall be in permanent session.

- 13.**—The King approves and promulgates by Royal Ordinance laws voted by the Assembly under the conditions set forth in article 30. He issues, as Royal Ordinances, the regulatory provisions proposed by the Council of Ministers and countersigned by the responsible ministers.

When it is impossible for the deputies to meet, as a result of exceptional circumstances, the King, with the agreement of the permanent commission of the National Assembly, is empowered to issue, as Royal Ordinances, the legislative provisions necessary, subject to subsequent ratification by the Assembly.

The King signs treaties negotiated with France and with other states, and ratifies them by virtue of the deliberations of the National Assembly.

- 14.—The King is the supreme commander of the armed forces.
- 15.—The King creates and confers civil and military ranks in accordance with the law.
- 16.—The King has the right of grace and commutation of sentence.
- 17.—The King exercises his powers through the ministers appointed by him, after they have received the confidence of the Assembly.
He may preside over the Council of Ministers.
- 18.—The King, in addition to his private domain, shall enjoy the movable and immovable property belonging to the State, known as the Endowment of the Crown. This property includes the following:
- (i) palaces, hotels, villas, parks, forests, royal tombs.
 - (ii) museums, furniture, household goods.

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THE COUNCIL OF MINISTERS

- 19.—The King nominates the President of the Council. The President of the Council forms the government which shall be submitted to the Assembly for approval.
The President of the Council and the Ministers may not be formally appointed until they have received a vote of confidence from the Assembly by a majority of two-thirds of the members present.
In the event of a vacancy caused by death or any other circumstance, the King shall nominate a new President of the

Council from among the acting Ministers, who shall be presented to the Assembly for approval as soon as possible.

20.—Ministers may be chosen either from within or without the Assembly. There is no incompatibility between the office of deputy and that of Minister. Nevertheless Ministers who are also deputies may not take part either in votes of confidence or in votes on motions of censure.

21.—Each Minister directs a ministerial department, and has the right to initiate laws.

They are collectively responsible to the Assembly for the general policy, and individually responsible for their personal actions.

22.—Refusal by the Assembly to give a vote of confidence to the government or passage of a motion of censure shall automatically result in the collective resignation of the cabinet.

The vote on such questions may not be taken until one full day after it has been put before the Assembly. It may be adopted only by a majority of two-thirds of the deputies present.

The resigning government shall ensure the carrying out of current business until the installation of a new government.

23.—Ministers shall be legally responsible for crimes and misdemeanours committed in the exercise of their functions. They may be indicted by the Assembly and shall be tried by the Council of the King sitting as a High Court of Justice.

24.—The National Assembly is composed of deputies elected every four years by universal suffrage, under conditions fixed by the electoral law.

Deputies represent the whole nation and not only their electors. They may not be tied by any mandate.

25.—The duration of the Assembly is four years.

The Assembly shall meet, upon convocation by the King, in an annual session of three months, during the first fortnight in February. The King may prolong this session or declare the Assembly closed during the course of these three months.

The King may also convoke the Assembly in extraordinary session on his own authority, or upon the proposal of the Council of Ministers, or at the request of the permanent secretariat of the Assembly or of at least half of the deputies. Sessions shall be solemnly opened and closed by the King or his representative.

26.—The Assembly shall be the judge of the eligibility of its members and the regularity of their elections; it alone may receive their resignation or declare them relieved of office.

27.—Before entering upon their duties, members of the Assembly whose election has been validated, take the following oath in the meeting room:

“I swear to be faithful to the King, to be faithful to and defend the constitution, to represent the people with independence and dignity and to work with all my strength for the good of the country.”

28.—The National Assembly shall:

- (i) vote the budget and national loans, and approve the administrative accounts;

- (ii) vote laws concerning the statute of personnel and the revision of Laotian codes;
- (iii) vote the organic laws of the Kingdom;
- (iv) vote laws granting amnesty;
- (v) deliberate regarding agreement to the ratification of treaties.

The Assembly shall, furthermore, study within its committees, all bills and proposed laws referred to it.

29.—Deputies have the right of initiative of laws with respect to any of the subjects enumerated in the preceding article.

30.—Laws voted by the National Assembly shall be presented to the Council of the King for submission to the high approval of His Majesty. Such laws must be promulgated within a period of two months. During this period, the Council of the King may request the Assembly for a new deliberation, giving the reasons therefor. If the initial proposal is maintained by a vote of a majority of two-thirds of the Deputies present, promulgation of the law shall be obligatory. If promulgation does not take place within a period of fifteen days from the date on which confirmation is notified to the Council of the King, the law may be promulgated by the President of the National Assembly.

If there is not a two-thirds majority in favor of the maintenance of the original proposal, the remarks and observations of the Council of the King shall be considered as adopted, the text of the law annulled or modified accordingly, and promulgation of the text thus modified shall take place in the prescribed manner.

With regard to laws which are declared to be urgent, the time limit for promulgation shall be one month.

31.—After sessions have been closed, the secretariat of the Assembly shall ensure continuity. It is empowered to supervise actions of the Council of Ministers and to assume, if necessary, the powers provided in paragraph (ii) of article 30, as well as the powers of the National Assembly provided in article 30, expressly subject to subsequent ratification by the Assembly.

It shall further be entrusted with special tasks, in particular the elaboration and study of bills and proposed laws.

32.—The Assembly shall draw up its own internal regulations which it may modify at will. At the beginning of each session it shall elect its annual secretariat.

33.—The King may dissolve the Assembly upon the proposal of the Council of Ministers with the agreement of the Council of the King. In this event new elections shall take place within a period of 90 days.

The new Assembly must meet 30 days after its election.

34.—During the course of its sessions, no member of the National Assembly may, except in the case of *flagrante delicto*, be prosecuted or arrested unless previous authorisation has been granted by vote of a two-thirds majority of the Deputies present.

In case of an arrest in *flagrante delicto*, the Assembly must be immediately notified. The hearing of such a case shall in no circumstances prevent the deputy from attending the Assembly.

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 function.

This parliamentary immunity applies also to all who print or distribute transcripts of the sessions when they are not secret.

36.—Members of the Assembly shall receive an indemnity to be fixed by law.

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THE COUNCIL OF THE KING

37.—The Council of the King is composed of nine members as follows:

- (i) six members appointed directly by the King;
- (ii) three members appointed by the King upon nomination by the National Assembly.

Members of the Council of the King assume their functions only after taking, before the Council, the oath set forth in article 11 above.

The provisions contained in article 25 regarding the term of office, convocation and sessions shall be applied to the Council of the King, except in the case laid down in article 12.

The Council shall draw up its own internal regulations which may be freely changed.

Members of the Council of the King enjoy the same rights and prerogatives as those conferred upon Deputies by articles 34 and 35.

Members of the Council of the King receive the same salary as Deputies and enjoy the same advantages.

The post of Councillor of the King is not compatible with that of Deputy or of Minister.

38.—The Council of the King shall examine, in accordance with the provisions of article 30, in order to give its opinion thereon, the laws voted on first reading by the National Assembly.

It shall give its opinion on all bills and proposals submitted to it by the sovereign or by the government.

Members of the Council of the King shall have the initiative in proposing laws and shall address their proposals to the National Assembly.

The Council of the King may, in exceptional cases, sit as a High Court of Justice.

After the closing of each session, the secretariat of the Council of the King shall ensure its continuity.

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ADMINISTRATIVE AND JUDICIAL ORGANISATION

39.—The territorial units are the provinces. Their extent and organisation shall be fixed by law.

Certain important urban centres may be regulated by a special organisation.

40.—Provinces shall be administered by a *Chaokhoneng*, head of the province, who shall be assisted by a provincial council, elected on a territorial basis.

41.—Provinces may be granted an autonomous budget, the receipts, expenses, administration and control of which shall be fixed by law.

42.—The organisation, powers and competence of the courts, both judicial and administrative, as well as questions of conflicts of jurisdiction, shall be fixed by law. This law will guarantee the independence of the judicial power in relation to the legislative and executive powers.

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FINAL PROVISIONS

43.—Revision of the present Constitution shall take place in the following manner:

- (i) A resolution of revision may emanate from the Council of the King, from the Council of Ministers or from an absolute majority of members of the Assembly.
- (ii) Resolutions of revision must be accompanied by drafts of the revision or amendment proposed.
- (iii) The National Assembly and the Council of the King shall meet solemnly as a Congress, upon the convocation of the King, in order to examine the proposed revision or amendment. Such proposals must be approved by a majority of two-thirds of the members of the Congress present in order to become effective.
- (iv) The provisions relating to the monarchic, unitary and indivisible form of the State, the representative character of the regime, and the principles of liberty and equality guaranteed by the present constitution may not be the subject of any amendment.

44.—The present Constitution shall enter into effect fifteen days after its promulgation.

The National Assembly is empowered, as a final resort, to interpret the text.