



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

**On the Promulgation of the
Amended Constitution of the Lao People's Democratic Republic**

Pursuant to Chapter V, Article 53, paragraph 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 25/NA dated 6 May 2003 of the National Assembly of the Lao People's Democratic Republic, adopting the Amended Constitution of the Lao People's Democratic Republic; [and]

Pursuant to Proposal No. 18/NASC dated 9 May 2003 of the Standing Committee of the National Assembly.

**The President of the Lao People's Democratic Republic
Decrees That:**

Article 1. The Amended Constitution of the Lao People's Democratic Republic is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 28 May 2003

President of the Lao People's Democratic
Republic

[Seal and Signature]

Khamtay SIPHANDONE



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 25/NA
6 May 2003

CONSTITUTION
OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

PREAMBLE

The multi-ethnic Lao people have existed and developed on this beloved land for thousands of years. Starting from the middle of the 14th century, during the time of Chao Fa Ngum¹, our ancestors founded the unified Lane Xang country and built it into a prosperous land. Since the 18th century, the Lao land has been repeatedly threatened and invaded by outside powers. Our people enhanced the heroic and unyielding traditions of their ancestors and continually and persistently fought to gain independence and freedom.

Since the 1930's, under the correct leadership of the former Indochinese Communist Party and the present Lao People's Revolutionary Party, the multi-ethnic Lao people have carried out difficult and arduous struggles full of great sacrifices until they managed to crush the yokes of domination and oppression of the colonial and feudal regimes, completely liberate the country and establish the Lao People's Democratic Republic on 2 December 1975, thus opening a new era – an era of genuine independence for the country and freedom for the people.

During [the years] since the country has been liberated, our people have together been implementing the two strategic tasks of defending and building the country, especially the undertaking of reforms in order to mobilise the resources within the nation to preserve the people's democratic regime and create conditions to move towards socialism.

Now, in this new period, the social life requires that the State must have a constitution. This Constitution is the constitution of the people's democratic regime in our country. It recognises the great achievements of our people in the course of their struggles for national liberation [and their] protection and construction of the country[,] and [it] defines the political regime, the socio-economic system, the regimes of national security, defence and foreign affairs, the rights and obligations of citizens and the system of organisation of state apparatus in the new period. This is the first time in the history of our nation that the right of self-determination of the

¹ This is a reference to King Fa Ngum.

people has been defined in the fundamental law of the country.

This Constitution is the fruit of the process of the people's discussions throughout the country. It reflects the long-standing aspirations and strong determination of the national community to strive together to fulfil the objective of building Laos into a country of peace, independence, democracy, unity and prosperity.

Chapter 1

The Political Regime

Article 1. The Lao People's Democratic Republic is an independent country with sovereignty and territorial integrity over its territorial waters and airspace. It is a unified country belonging to all multi-ethnic people and is indivisible.

Article 2. The State of the Lao People's Democratic Republic is a people's democratic state. All powers belong to the people, [and are exercised] by the people and for the interests of the multi-ethnic people of all social strata with the workers, farmers and intelligentsia as key components.

Article 3. The rights of the multi-ethnic people to be the masters of the country are exercised and ensured through the functioning of the political system with the Lao People's Revolutionary Party as its leading nucleus.

Article 4. (New) The people are to elect representatives, namely the National Assembly, to ensure that their rights, powers and benefits are addressed.

The election of members of the National Assembly shall be carried out through the principles of universal equal direct suffrage and secret balloting.

Voters have the right to propose the removal of their own representatives if they are found to behave in a way unbefitting their [honourable positions] and to lose the people's confidence.

Article 5. The National Assembly and other state organisations are established and function in accordance with the principle of democratic centralism.

Article 6. The State protects the freedom and democratic rights of the people which cannot be violated by anyone. All state organisations and government officials must disseminate and create awareness of all policies, regulations and laws among the people and, together with the people, organise their implementation in order to guarantee the legitimate rights and interests of the people. All acts of bureaucratism and harassment that can be detrimental to the people's honour, physical well-being, lives, consciences and property are prohibited.

Article 7. The Lao Front for National Construction, the Lao Federation of Trade Unions, the Lao People's Revolutionary Youth Union, the Lao Women's Union and other social organisations are the organs to unite and mobilise all strata of the multi-ethnic people to take part in the tasks of protection and construction of the country; to develop the right of self-determination of the

people and to protect the legitimate rights and interests of members of their respective organisations.

Article 8. The State pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the right to protect, preserve and promote the fine customs² and cultures of their own tribes and of the nation. All acts creating division and discrimination among ethnic groups are prohibited.

The State implements every measure to gradually develop and upgrade the socio-economic levels of all ethnic groups.

Article 9. (New) The State respects and protects all lawful activities of Buddhists and of followers of other religions, [and] mobilises and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities that are beneficial to the country and people. All acts creating division between religions and classes of people are prohibited.

Article 10. (New) The State manages the society through the provisions of the Constitution and the laws. Party and state organisations, the Lao Front for National Construction, mass organisations, social organisations and all citizens must function within the bounds of the Constitution and the laws.

Article 11. (New) The State implements in all aspects the policy of national defence and security with the participation of all people, improving and building the national defence and security forces to enhance their loyalty to the country and people; [to enhance] their ability to carry out the duty to protect the gains of the revolution, [and] the lives, properties and labour of the people; and to contribute to the tasks of national development in order to progress to enrichment and strength.

Article 12. The Lao People's Democratic Republic pursues a foreign policy of peace, independence, friendship and cooperation, and promotes relations and cooperation with all countries on the basis of the [following] principles: peaceful coexistence; respect for each other's independence, sovereignty and territorial integrity; non-interference in each other's internal affairs; and equality and mutual benefit.

The Lao People's Democratic Republic supports the struggle of the world's people for peace, national independence, democracy and social progress.

Chapter 2

The Socio-Economic Regime

Article 13. (New) The national economy of the Lao People's Democratic Republic relies on a stable multi-sectoral economy which is encouraged [by the government; such economy shall] expand manufacturing capacity, broaden

² The Lao term connotes both customs and traditions.

production, businesses and services, transform the natural economy into a trading and manufacturing economy, and modernise; [while] combining with regional and global economies to stabilise and develop the national economy continuously and to improve the material and spiritual living conditions of the multi-ethnic people.

All types of enterprises are equal before the laws and operate according to the principle of the market economy, competing and cooperating with each other to expand production and business while regulated by the State in the direction of socialism.

Article 14. (New) The State promotes the investment by all domestic economic sectors in production, businesses and services, to contribute to the industrial transformation and modernization of, and to develop and strengthen, the national economy.

Article 15. (New) The State promotes foreign investment in the Lao People's Democratic Republic, [and] creates favorable conditions for the injection of capital, for the use of technology and for introducing modern types of management into production, businesses and services.

The lawful assets and capital of investors in the Lao People's Democratic Republic shall not be confiscated, seized or nationalised by the State.

Article 16. The State protects and promotes all forms of property rights: State, collective, private domestic and foreign investment in the Lao People's Democratic Republic.³

Article 17. (New) The State protects the property rights (such as the rights of possession, use, usufruct and disposition) and the inheritance rights of organisations and individuals. Land is a national heritage, and the State ensures the rights to use, transfer and inherit it in accordance with the laws.

Article 18. (New) The State manages the economy in accordance with the mechanism of the market economy regulated by the State, to implement the principle of combining centralised management through the consensus of central authorities with the delegation of responsibilities to local authorities in accordance with the laws and regulations.

Article 19. All organisations and citizens must protect the environment and natural resources: land surfaces, underground [resources,] forests, animals, water sources and the atmosphere.

Article 20. (New) The Lao People's Democratic Republic implements open policies on economic cooperation with foreign countries in different ways, on a multilateral basis and in different forms on the basis of the [following]

³ The reader may wish to refer to the Property Law for more information on the categories of property rights.

principles[:] respect for each other's independence, sovereignty, equality and mutual benefit.

Article 21 (New) The State attaches great importance to the development of the economy in conjunction with cultural and social development by giving priority to human resource development.

Article 22. (New) The State attends to developing education and implements compulsory primary education in order to build good citizens with revolutionary competence, knowledge and abilities.

The State and society attend to developing high quality national education, to create opportunities and [favourable] conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children.

The State promotes private sector investment in the development of national education in accordance with the laws.

Article 23. (New) The State promotes preservation of the national culture which is representative of the fine tradition of the country and its ethnic people while accepting selected progressive cultures from around the world.

The State promotes cultural activities, fine arts and invention, manages and protects the cultural, historical and natural heritage and maintains antiques and historical places.

The State attends to improving and expanding mass media activities for the purpose of national protection and development.

All cultural and mass media activities which are detrimental to national interests or the fine traditional culture and dignity of Lao people are prohibited.

Article 24. (New) The State attends to promoting knowledge and invention in scientific and technological research and application, [and to] protecting intellectual property while building up a community of scientists to promote industrialisation and modernisation.

Article 25. (New) The State attends to improving and expanding public health services to take care of the people's health.

The State and society attend to building and improving disease prevention systems and providing health care to all people, creating conditions to ensure that all people have access to health care, especially women and children, poor people and people in remote areas, to ensure the people's good health.

The State promotes private sector investment in public health services in accordance with the laws and regulations.

All unlawful public health services are prohibited.

Article 26. (New) The State and society attend to encouraging, supporting and investing in public sports activities, including traditional and international sports, [in order to] upgrade abilities in sport and to strengthen people's health.

Article 27. (New) The State and society attend to developing skilled labour, upgrading labour discipline, promoting vocational skills and occupations and protecting the legitimate rights and benefits of workers.

Article 28. (New) The State and society attend to implementing policies on social security, especially towards national heroes, soldiers, retired civil servants, disabled people, [and the] families of those who have sacrificed their lives for the revolution and who have contributed extensively to the nation.

Article 29. (New) The State, society and families attend to implementing development policies and supporting the progress of women and to protecting the legitimate rights and benefits of women and children.

Article 30. (New) The State and society promote, develop and [open up the country to] cultural and historical tourism and eco-tourism.

Tourism which is detrimental to the fine culture of the nation or which contravenes the laws and regulations of the Lao People's Democratic Republic is prohibited.

Chapter 3 (New)

National Defence and Security

Article 31. (New) National defence and security are duties of the national defence and security forces. They are the obligations of all organisations and Lao citizens who must protect the independence, sovereignty and territorial integrity of the nation, protecting lives and people's property, [and] ensuring a stable and sustainable people's democracy.

National defence and security are carried out in parallel with socio-economic development.

Article 32. (New) The national defence and security forces must improve and strengthen themselves, enhance their loyalty to the nation, serve as the people's military force with real revolutionary spirit, [observe] strict rules and modern plans having high military competence, and be the main forces to ensure national stability, peace and social order.

The State attends to supplying materials, techniques, technology, means and equipment to and upgrading the knowledge, ability, professional skills, strategy and tactics of the national defence and security forces.

Article 33. (New) The State and society attend to implementing policies to ensure that the physical and mental condition of the national defence and security forces is well maintained and to providing incentives to rear echelons of the national defence and security forces to increase the capacity to protect the nation and maintain peace in the society.

The national defence and security forces must endeavour to become self reliant and build up a strong military department in order to ensure implementation of tasks and contribution to national development.

Chapter 4

Fundamental Rights and Obligations of Citizens

Article 34. Lao citizens are persons who hold Lao nationality as provided by the laws.

Article 35. Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.

Article 36. (New) Lao citizens aged eighteen years and above have the right to vote and those aged twenty years and above have the right to be elected, except insane persons, persons with mental disorders and persons whose rights to vote and to be elected have been revoked by a court.

Article 37. Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs.

Article 38. Lao citizens have the right to receive education and upgrade themselves.

Article 39. (New) Lao citizens have the right to work and engage in occupations which are not contrary to the laws. Working people have the right to rest, to receive medical treatment in times of illness, [and] to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the laws.

Article 40. Lao citizens have the freedom of settlement and movement as provided by the laws.

Article 41. (New) Lao citizens have the right to lodge complaints and petitions and to propose ideas to the relevant State organisations in connection with issues pertaining to the public interest or to their own rights and interests.

Complaints, petitions and ideas of citizens must be examined and resolved as provided by the laws.

Article 42. (New) The right of Lao citizens in their bodies, honour and houses are inviolable. Lao citizens cannot be arrested or searched without the order of the

Public Prosecutor⁴ or the people's courts, except if otherwise provided by the laws.

Article 43. Lao citizens have the right and freedom to believe or not to believe in religions.

Article 44. Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the laws.

Article 45. Lao citizens have the right and freedom to conduct studies in and to apply advanced sciences, techniques and technologies; to create artistic and literary works [;] and to engage in cultural activities which are not contrary to the laws.

Article 46. The State protects the legitimate rights and interests of Lao citizens residing abroad.

Article 47. Lao citizens have the obligation to respect the Constitution and the laws, to observe labour discipline, [and to comply with] the regulations relating to social life and public order.

Article 48. Lao citizens have the obligation to pay duties and taxes in accordance with the laws.

Article 49. Lao citizens have the obligation to defend the country, to maintain the security and to fulfil military service obligations as provided by the laws.

Article 50. The rights and freedoms of aliens and apatrids⁵ are protected by the laws of the Lao People's Democratic Republic. They have the right to file claims in the courts and [to lodge petitions with] other concerned⁶ organisations of the Lao People's Democratic Republic and have the obligation to respect the Constitution and laws of the Lao People's Democratic Republic.
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⁴ The term “Public Prosecutor” has been chosen because it is the English term commonly used in Laos for this title/institution. Readers from common law jurisdictions should note that the Lao Public Prosecutor has considerably more powers than public prosecutors in their home jurisdictions and is more akin to a procurator in socialist systems. Another translation in common use is “People’s Prosecutor”. Readers should also note that the term is principally used in the Constitution to refer to the “office” or “organisation” of public prosecutors rather than to refer to individual prosecutors. Where the context of a literal translation does not clearly indicate which of these two meanings is intended and it is clear from the original that the office is intended, this translation shall use the term “the [Office of the] Public Prosecutor”.

⁵ Readers may wish to refer to the Law on Lao Nationality for the distinction between aliens, apatrids (i.e. persons unable to certify their nationality) and foreign individuals.

⁶ The term “concerned” is used in the sense of “relevant”.

⁷ For readability, the structure of this sentence has been modified.

Article 51. The Lao People's Democratic Republic grants asylum to foreigners who are persecuted for their struggle for freedom, justice, peace and scientific causes.

Chapter 5 **National Assembly⁸**

Article 52. (New) The National Assembly is the representative of the rights, powers and interests of the multi-ethnic people. The National Assembly is also the legislative branch that has the right to make decisions on fundamental issues of the country, [and] to oversee the activities of the executive organs, the people's courts and the Office of the Public Prosecutor.

Article 53. (New) The National Assembly has the following rights and duties:

1. To prepare, adopt or amend the Constitution;
2. To consider, adopt, amend or abrogate the laws;
3. To consider and adopt the determination, amendment or abrogation of taxes and duties;
4. To consider and adopt strategic plans for socio-economic development and the State budget;
5. To elect or remove the President, the Vice-President and members of the National Assembly Standing Committee;
6. To elect or remove the President and Vice-President of the State based on the recommendation of the National Assembly Standing Committee;
7. To consider and approve the proposed appointment or removal of the Prime Minister based on the recommendation of the President of the State, and to consider and approve the organisational structure of the government and the appointment, transfer or removal of members of the government based on the recommendation of the Prime Minister;
8. To elect or remove the President of the People's Supreme Court and the Supreme Public Prosecutor⁹ based on the recommendation of the President of the State;
9. To decide on the establishment or dissolution of the ministries, ministry-equivalent organisations, provincial authorities and city authorities¹⁰, and to determine the boundaries of provinces and cities based on the recommendation of the Prime Minister;
10. To decide on granting amnesties;
11. To decide on the ratification of or [withdraw from] treaties and agreements signed with foreign countries in accordance with the laws;

⁸ The reader may wish to refer to the Law on National Assembly for more information on this institution.

⁹ The term “Supreme Public Prosecutor” is used to refer to the role or title of the highest-ranked prosecutor in the country (akin to an Attorney-General). In Laos, sometimes, this title is translated as “Prosecutor General”.

¹⁰ The generic word “city” is often interchangeably translated as “Vientiane City” (e.g., “city authorities” is often translated as “Vientiane City authorities”) because Vientiane is, as of 2005, the only city. The generic term has been used in this translation in anticipation that other cities may emerge.

12. To decide on matters of war or peace;
13. To oversee the observance and implementation of the Constitution and laws; [and]
14. To exercise such other rights and perform such other duties as provided by the laws.

Article 54. (New) The term of office of each National Assembly legislature is five years.

Members of the National Assembly are elected by the Lao citizens in accordance with the laws.

The election of a new National Assembly legislature must be completed no later than sixty days prior to the expiration of the term of office of the incumbent National Assembly [legislature].

In the case of war or any other circumstance that obstructs the election, an [incumbent] National Assembly [legislature] may extend its term of office but it must carry out the election of the new National Assembly no later than six months after the situation returns to normal.

If deemed necessary by the vote of at least two-thirds of all members of the National Assembly attending the session, such [incumbent] National Assembly [legislature] may carry out the election of [new] members prior to the expiration of its term.

Article 55. The National Assembly elects its own Standing Committee which consists of the President, the Vice-President and a number of members.

The President and Vice-President of the National Assembly are also the President and Vice-President of the National Assembly Standing Committee.

Article 56. (New) The National Assembly Standing Committee is the permanent body of the National Assembly, and is to carry out duties on behalf of the National Assembly during the recess of the National Assembly.

The National Assembly Standing Committee has the following rights and duties:

1. To prepare for the National Assembly sessions and to ensure that the National Assembly implements its work plan;
2. To interpret and explain the provisions of the Constitution and the laws;
3. To oversee the activities of the executive organs, the people's courts and the [Office of the] Public Prosecutor during the recess of the National Assembly;
4. To appoint, transfer or remove judges of the people's courts at all levels and of the military courts;
5. To summon the National Assembly into session; [and]

6. To exercise such other rights and perform such other duties as provided by the laws.

Article 57. The National Assembly convenes its ordinary session twice a year at the summons of the National Assembly Standing Committee.

The National Assembly Standing Committee may convene an extraordinary session of the National Assembly if it deems it necessary.

Article 58. National Assembly sessions shall be convened only with the presence of more than one-half of the total number of the National Assembly members.

Resolutions of the National Assembly shall be valid only when they are voted for by more than one-half of the number of the National Assembly members present at the session, except as otherwise provided in Articles 54, 66 and 97 of this Constitution.

Article 59. (New) The organisations and persons that have the right to propose draft laws are as follows:

1. The President of the State;
2. The National Assembly Standing Committee;
3. The Government;
4. The People's Supreme Court;
5. The Office of the Supreme Public Prosecutor; [and]
6. The Lao Front for National Construction and the mass organisations at the central level.

Article 60. Laws already adopted by the National Assembly must be promulgated by the President of the State no later than thirty days after their adoption. During this period, the President of the State has the right to request the National Assembly to reconsider [such laws]. If the National Assembly affirms its previous decision after reconsidering such laws, the President of the State must promulgate them within fifteen days.

Article 61. Questions relating to the destiny of the country and the vital interests of the people must be submitted [for the approval of] the National Assembly, or the National Assembly Standing Committee during the recess of the National Assembly.

Article 62. (New) The National Assembly establishes its own committees to consider draft laws and draft presidential edicts for submission to the National Assembly Standing Committee and the President of the State; and assists the National Assembly and the National Assembly Standing Committee in exercising oversight of the activities of the executive organs, the people's courts and the [Office of the] Public Prosecutor.

Article 63. (New) Members of the National Assembly have the right to interpellate the Prime Minister or [other] members of the government, the President of the People's Supreme Court and the Supreme Public Prosecutor.

Persons interpellated must give oral or written answers at the National Assembly session.

Article 64. Members of the National Assembly shall not be prosecuted in court or detained without the approval of the National Assembly, or the National Assembly Standing Committee during the recess of the National Assembly.

In cases involving manifest or urgent offences, the organisation which has detained the member of the National Assembly must immediately report to the National Assembly or to the National Assembly Standing Committee during a recess of the National Assembly for consideration and decision [on further action concerning the member]. Investigations shall not [be conducted in such a manner as to] prevent a prosecuted member from attending National Assembly sessions.

Chapter 6

The President of the State

Article 65. The President of the State is the Head of State of the Lao People's Democratic Republic and the representative of the multi-ethnic Lao people both within the country and abroad.

Article 66. (New) The President of the State is elected by the National Assembly with two-thirds of the votes of all members of the National Assembly attending the session.

The term of office of the President of the State is the same as the term of office of the National Assembly.

Article 67. (New) The President of the State has the following rights and duties:

1. To promulgate the Constitution and laws already adopted by the National Assembly;
2. To issue presidential edicts and decrees;
3. To propose the appointment or removal of the Prime Minister to the National Assembly for consideration and decision;
4. To appoint or remove the Prime Minister, [and to] appoint, transfer or remove members of the government after approval by the National Assembly;
5. To appoint or remove the Vice-President of the People's Supreme Court based on the recommendation of the President of the People's Supreme Court, [and to] appoint or remove the Deputy Supreme Public Prosecutor based on the recommendation of the Supreme Public Prosecutor;
6. To appoint, transfer or remove provincial and city governors based on the recommendation of the Prime Minister;
7. To be the head of the people's armed forces;
8. To decide on promotions or demotions at the rank of general in the national defence and security forces based on the recommendation of the Prime Minister;
9. To convene and preside at the government's special meetings;

10. To decide on conferring national gold medals, orders of merit, medals of victory and the highest honorific titles of the State;
11. To decide on granting amnesty;
12. To decide on general or partial military conscription and to declare states of emergency all over the country or in any particular locality;
13. To issue the ratification of or [secession from] treaties and agreements signed with foreign countries;
14. To appoint and recall plenipotentiary representatives of the Lao People's Democratic Republic to or from foreign countries based on the recommendation of the Prime Minister, and to accept the plenipotentiary representatives of foreign countries accredited to the Lao People's Democratic Republic; [and]
15. To exercise such other rights and perform such other duties as provided by the laws.

Article 68. (New) The President of the State may have a Vice-President as elected by the National Assembly with the votes of more than one-half of the number of National Assembly members attending the session.

The Vice-President of the State executes all tasks assigned to him¹¹ by the President of the State and acts on behalf of the President of the State if he is [occupied on other matters].

Chapter 7 Government

Article 69. The government is the executive branch of the State.

The government administers in a unified manner the implementation of the State's duties in all fields such as political, economic, cultural, social, national defence and security, and foreign affairs.

Article 70. (New) The government has the following rights and duties:

1. To implement the Constitution, the laws and resolutions of the National Assembly, and presidential edicts and decrees;
2. To submit draft laws and presidential edicts to the National Assembly and [to submit] draft presidential decrees to the President of the State;
3. To determine strategic plans on socio-economic development and annual State budgets and to submit them to the National Assembly for consideration and approval;
4. To report on its performance to the National Assembly, or to the National Assembly Standing Committee (during the recess of the National Assembly), and to report to the President of the State;

¹¹ The reader should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.

5. To issue decrees and resolutions on State administration, socio-economic management, [and] management in the fields of science and technology¹², national resources, environment, national defence and security, and foreign affairs;
6. To organise and oversee the activities of the sectoral organisations and local administrations;
7. To organise and oversee the activities of the national defence and security forces;
8. To sign treaties and agreements with foreign countries and guide their implementation;
9. To suspend the implementation of or cancel decisions [or] instructions of the ministries, ministry-equivalent organisations, organisations under the government's management, and local administrations if they contradict the laws; [and]
10. To exercise such other rights and perform such other duties as provided by the laws.

Article 71. (New) The government consists of the Prime Minister, Deputy Prime Minister[s], ministers and chairmen of the ministry-equivalent organisations.

The term of office of the government is the same as the term of office of the National Assembly.

Article 72. (New) The Prime Minister is appointed or removed by the President of the State after the approval of the National Assembly.

Article 73. (New) The Prime Minister is the head of the government, and represents the government[; he] leads and manages the work of the government, ministries, ministry-equivalent organisations, departments and other organisations attached to the government; and leads and manages the work of provinces and cities.

The Prime Minister appoints, transfers and removes Vice-Ministers, Vice-chairmen of the ministry-equivalent organisations, heads of department, deputy governors, and deputy mayors of cities, and promotes and demotes colonels in the national defence and security forces and other ranks as provided by the laws.

The Deputy Prime Ministers are the assistants of the Prime Minister and execute the tasks assigned to them by the Prime Minister. The Prime Minister may assign a particular Deputy Prime Minister to carry out work on his behalf in the event that he is [occupied on other matters].

Article 74. (New) The National Assembly may pass a vote of no confidence in the government or any member of the government if the National Assembly Standing Committee or one-fourth of the total number of National Assembly members raises the issue.

¹²

In Lao, the term is “science, techniques, technology”.

Within twenty-four hours after such vote of no confidence, the President of the State has the right to bring the no confidence question to the National Assembly for reconsideration. Such reconsideration must be held within forty-eight hours from the first consideration. If the new vote of no confidence is passed, the government or the member of the government must resign.

Charter 8 **The Local Administration**¹³

Article 75. (New) The Lao People's Democratic Republic is divided into three levels of local administration, namely provinces, districts and villages.

The provincial level consists of provinces and cities;
The district level consists of districts and municipalities; [and]
The village level consists of villages.

Provinces are [governed by] governors, cities are [governed by] governors of cities, districts are [governed by] mayors, municipalities are [governed by] chiefs of municipalities and villages are [administered by] village chiefs.

Governors, mayors, chiefs of municipalities and village chiefs have deputies to assist them in their work.

If it deems it necessary, the National Assembly may decide to establish a Special Zone. The Special Zone is equivalent to a province.

Article 76. (New) The governors of provinces and cities and the mayors of districts have the following rights and duties:

1. To ensure the implementation of the Constitution and the laws, and to implement decisions and orders issued by higher-level authorities;
2. To guide and oversee the activities of all sectoral [organisations] and all levels of authorities under their jurisdiction;
3. To suspend or cancel the decisions of sectoral [organisations] at their own or lower levels, which contradict the laws and regulations;
4. To manage citizens [and,] within the scope of their rights and powers under the laws, to consider and resolve the complaints and proposals of the people; [and]
5. To exercise such other rights and perform such other duties as provided by the laws.

Article 77. (New) The chiefs of municipalities have the rights and duties to plan, implement and administer urban development and public services throughout

¹³ Readers may wish to refer to the Law on Local Administration for more information on these institutions. Readers should note that this new Constitution employs slightly different terminology for the different levels of local administration and the heads of local administration. As of 2005, not all laws use the same terminology for such heads.

the municipality, to ensure order and cleanliness¹⁴ in accordance with urban planning, and to exercise such other rights and perform such other duties as provided by the laws and regulations.

Article 78. The village chiefs have the responsibility to organise the implementation of the laws, decisions and orders of the State, to maintain the peace and public order of the village, and to develop the villages in all fields.

Chapter 9

People's Courts and Public Prosecutor

Article 79. (New) The people's courts constitute the judicial branch of the State and consist of:

- The People's Supreme Court;
- The appellate courts;
- The people's provincial courts and city courts;
- The people's district courts; [and]
- The military courts.¹⁵

In the event that it is deemed necessary, the National Assembly Standing Committee may decide to establish a special court.

Article 80. (New) The People's Supreme Court is the highest judicial organ of the State.

The People's Supreme Court administers the people's courts at all levels and the military courts, and examines and reviews the decisions reached by them.

Article 81. (New) The Vice-President of the People's Supreme Court is appointed or removed by the President of the State based on the recommendation of the President of the People's Supreme Court.

The National Assembly Standing Committee appoints, transfers and removes [the following judicial positions] based on the recommendation of the President of the People's Supreme Court: judges of the People's Supreme Court; the president, vice-president and judges of appellate courts, provincial courts, city courts and district courts; [and] the heads, deputy heads and judges of the military courts.¹⁶

Article 82. The people's courts make decisions in panels. In their adjudication, judges must be independent and strictly comply with the laws.

¹⁴ The Lao word has the connotation of “clean and beautiful”.

¹⁵ Readers may wish to refer to the Law on People's Court for more information on the jurisdictions and functions of these courts.

¹⁶ For readability, the structure of this sentence has been modified.

Article 83. Cases shall be conducted in open court proceedings except if otherwise provided by the laws. Defendants have the right to defend themselves. Lawyers have the right to provide legal assistance to the defendants.

Article 84. Representatives of social organisations have the right to take part in court proceedings as provided by the laws.

Article 85. (New) Decisions reached by the people's courts, when final, must be respected by Party organisations, State organisations, the Lao Front for National Construction, mass organisations, social organisations and all citizens, and must be implemented by the concerned individuals and organisations.

Article 86. (New) The Office of the Public Prosecutor has the duty to monitor the implementation of the laws. The Office of the Public Prosecutor consists of:

- The Office of the Supreme Public Prosecutor;
- The Office of the Appellate Public Prosecutor;
- The offices of the Public Prosecutor at provincial and city levels;
- The offices of the Public Prosecutor at district level; [and]
- The Office of the Military Prosecutor.

The Office of the Public Prosecutor has the following rights and duties:

1. To monitor the correct and uniform implementation of laws and regulations by all ministries, ministry-equivalent organisations, organisations attached to the government, the Lao Front for National Construction, mass organisations, social organisations, local administrations, enterprises, civil servants and citizens; [and]
2. To exercise the right of public prosecution.

Article 87. (New) The Office of the Supreme Public Prosecutor supervises the activities of the offices of the Public Prosecutor at all levels.

The Deputy Supreme Public Prosecutor is appointed or removed by the President of the State based on the recommendation of the Supreme Public Prosecutor.

Public prosecutors and deputy public prosecutors at the appellate level, provincial level, city level and district level, and military prosecutors, are appointed, transferred or removed by the Supreme Public Prosecutor.

Article 88. (New) In carrying out their duties, the public prosecutors are subject only to the laws and the instructions of the Supreme Public Prosecutor.

Chapter 10

Language, Script, National Emblem, National Flag, National Anthem, National Day, Currency and Capital City

- Article 89.** The Lao language and Lao script are the language and script officially used.
- Article 90.** The National Emblem of the Lao People's Democratic Republic is a circle depicting in the bottom part one-half of a cog wheel and red ribbon with inscriptions [of the words] "Lao People's Democratic Republic", and [flanked by] crescent-shaped stalks of fully-ripened rice at both sides and red ribbons bearing the inscription "Peace, Independence, Democracy, Unity, Prosperity". A picture of That Luang Pagoda is located between the tips of the stalks of rice. A road, a paddy field, a forest and a hydroelectric dam are depicted in the middle of the circle.
- Article 91.** The National Flag of the Lao People's Democratic Republic is dark blue with red edges and a white moon in the middle of the flag. The height of the flag is two-thirds of its width. The height of each red edge is one-half of the height of the dark blue area. The [diameter of the] white moon is four-fifths of [the height of] the dark blue area.
- Article 92.** The national anthem of the Lao People's Democratic Republic is the "Xat Lao" song.
- Article 93. (New)** The national day of the Lao People's Democratic Republic is the day of the proclamation of the Lao People's Democratic Republic which is 2 December 1975.
- Article 94. (New)** The currency of the Lao People's Democratic Republic is the Kip.
- Article 95.** The Capital City of the Lao People's Democratic Republic is Vientiane Capital City.

Chapter 11

Final Provisions

Article 96. (New) The Constitution of the Lao People's Democratic Republic is a fundamental law of the nation. All laws must comply with the Constitution.

Article 97. Only the National Assembly session of the Lao People's Democratic Republic has the right to amend the Constitution.

Any amendment to the Constitution requires the affirmative votes of at least two-thirds of the total number of the National Assembly members.

Article 98. (New) This Constitution enters into force on the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

Vientiane, 6 May 2003
President of the National Assembly

[Seal and Signature]

Samane VIYAKHET