Laos Legislative Drafting Programme

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Comments on Boon Report - please quote!

(1) From Bureau du Premier Ministre, Direction de l'Administration et de Fonction Publique - Projet de Reforme Administrative/UNDP Project No. 4572/306/905

Structure of local govts. of 1950/1975

Kampuchean - municipalities, villages, urban centers. (1950) Monog. x 473 + 489 urban centers (no budget autonomy)

- lowest district of State, directed by a gouv. official, e.g. rel. civil service, police, etc.

Province + rural communes w/ financial autonomy

Basic districts = cantons = a org. above rural communes, + the villages (base) = base

- 11,782 villages > 20 families (100 persons) = run by chief elected/aid jun.

1973: Council of Canton = reps. of villages (chief+)

1975-86

Central power = Govt. of Party, Central Assembly

Similar structure at provincial level - pyramid command structure run by admin. office at Canton (Takeng) level, subject to P's authority

- system of laws/regulations; provincial admin. heads = president

- minister/prime minister, provincial council, budget, collected tax + made expenditures/salaries

Ministers equivalent, began exercising policies, but had practically no control over provincial technical services which remained directly controlled by district chiefs (nominate by team, not Minister); Prov. Chief was assisted by provincial assembly, popularly elected (abt. 20)

from list nominated by Party; Prov. Chief + his staff executed policies of provincial Party (Prov. v. Gen. of P)

1986-7 new strategy

Failed of corps + weak plan results - central mission by P's Cong/1986

- NEM - profound changes, incl. end of ec. centers + pot inc. 1988 - for pot inc. of local autonomy, by late 1980s admin. system presented disturbing provincial autonomy - no central control over resources, provincial budgeting autonomy, threatened national integrity

Constitution enacted, NEM + Govt. Centralization (Mof the degree No 669/PMDO 28 Aug 1991) - but not all have agreed - new draft Constitution No 21, May 8, 1993
Res. No.21, p.3, rep. for recruting, apply + assignment to concerned Min. in consultation w/o Dept of Admin & local auths.

No 171/m, 11 Nov, 1993, substitute 2 civil service

Constitution 1947 April 1947 - basic principles of Lao feudalistic administration.

Art 5: Nation & all civil servants function under democratic centralism. Party = keystone, power pup., mass orgs. (nam of union, youth, tradesmen... ) central.

Art 39: Nation`s power = enact laws or make fundamental important country.

Art 47: Do not abolish or derogate laws; it causes instability.

Constitution 1951: PM, PM`s committee, VP, SPE, Pres, PM`s coordinator-general, create & support ministries, municipalities, local govt, committee, notify or reject foreign treaties.

Art 57: President can appoint or reject provincial governors & prefects at PM`s recommendation.

Art 57: State constitution is superior to administrative ordinances.

Art 60: PM coordinates executives of governors & prefects, at appoints

Use governors, chiefs, prefects, aids,

Art 63: specifies relations governors, prefects, districts & villages.

Art 68: village chiefs carry out tasks of village with formula of

Law 14, 16, 1994, Vientiane, Prefecture, Supp., exec, for special zone + 134 districts & 11371 villages. – Province & districts = organized according to Central Office Information No 07 37 Dec, 1993. Town budgets are integrated into St. budget; vice village = 100-4000 pop. Village chiefs to stand as candidates by existing chiefs, voted by pop for 2 yrs - resp. for 3 effects (security, culture, economy) & for environ.

village socio-econ., support with wages, board of for lack + statistics; development (in village); cover of mass orgs.

Problem:

likely-elected chiefs don`t have qualifications for job.