

Laos

Self-Rule

Institutional Depth and Policy Scope

Laos, official Lao People's Democratic Republic, is a landlocked country in Southeast Asia with a total area of 236,800 sq. km and a population of about 6,803,699 (CIA, 2014). Laos is a single party Socialist republic, governed by the Communist Party. Laos is split into 16 *khoueng* (provinces), one *kampheng nakhon* (prefecture), 138 *muang* (districts) and *ban* (villages). The lone *kampheng nakhon* includes the capital, Vientiane and was created in 1989 to better manage urban growth (Askew, Long, and Logan 2007, 195). From 1994 until 2006 there was a *khetphiset* (special zone) named Xaisomboun, which joined the two *khoueng* of Xiengkhuang and Vientiane. Due to our population criteria, we only code the 16 *khoueng*, the *khetphiset*, and the *kampheng nakhon*.

Laos gained independence from the French in 1953. However, rebellions against the newly formed government broke out shortly after independence and Laos was pulled into the Vietnam War. This led to the Laotian Civil War, which ended with a Communist victory and the establishment of the Lao People's Democratic Republic in 1975. From 1975 through 1990 the Communist Party governed Laos by government decree (Kingsbury 2005, 188).

Throughout the history of Laos there have been three constitutions. The first took effect while Laos was still under French control in 1947. The second was introduced in 1957 once Laos became fully independent from the French. The 1957 Constitution created local governments in

the form of the office of Chief of the *khoueng* and Provincial Councils. These local governments were granted the ability to have autonomous budgets, administration, and “control over their regions” (Article 41). However, “control over their regions” was never legally defined in enabling legislation.

With the Communist victory in 1975 the previous constitution was annulled and power was centralized in the Lao People’s Revolutionary Party. No local governments survived or were enshrined in law during this period. There was no mention of local government until the passage of a new constitution until 1991, which was then amended in 2003 (Johnson 1991). So this is a rare case of total abolition of territorial intermediary or local institutions.

Chapter 7 of the 1991 Constitution reinstates the local administration of the 17 *khoueng* and the *kampheng nakhon* and prescribes them as deconcentrated government. Specifically, local governors were tasked to ensure the implementation of the Constitution and laws, and to organize the decisions and instructions issued by the central government (Art. 63). The same provisions applies to the 17 *khoueng*, the *kampheng nakhon*, and the *khetphiset*.

From 1957 to 1974 the *khoueng* score 1 on Institutional Depth due to the presence of local administrations that lacked legally defined authority scope and autonomous ability. Due to the lack of legal basis for local administration from 1975 until 1990, *khoueng* score 0 on Institutional Depth; by extension of the same status the *kampheng nakhon* scores 0 from 1989 to 1990. Since the local government since 1991 serves as a deconcentrated extension of the central authority, the *khoueng* and *kampheng nakhon* score 1 on Institutional Depth from 1991 through 2010.

Ongoing ethnic Hmong insurgency led the government to create the *khetchaphisat* which was carved out from the Xiengkhuang and Vientiane *khoueng* and was off limits to foreign visitors until 2007. Following increased military operations in 2004 the Hmong insurgency was defeated and central government control throughout the region was reestablished (Kingsbury 2005, 171). We code the *khetchaphisat* 0 on institutional depth from 1991 through 2006 because there was no functioning deconcentrated government due to the military operations. From 2007 onward the *khetchaphisat* becomes a *khoueng* and scores reflect those of the other *khoueng*.

In regards to policy scope, the 1957 Constitution outlined that the subnational governments had authority over their budgets, administration and control, but neither it nor supporting legislation provided an explanation or details regarding what policy competences that 'control' entailed (Art. 41). No basis for subnational policy authority exists in law from 1975 through 2017. All subnational units in Laos score 0 on Policy Scope throughout the period.

Fiscal Autonomy

No legal basis for subnational tax authority has ever existed in Laos. The *khoueng*, *kampheng nakhon*, and *khetchaphisat* score 0 on Fiscal Autonomy throughout the period.

Borrowing Autonomy

No legal basis for subnational borrowing authority has existed in Laos since 1957. The *khoueng*, *kampheng nakhon*, and *khetchaphisat* score 0 on Borrowing Autonomy throughout the period.

Representation

The 1957 Constitution created the office of Chief of the *khoueng*, who acted as the executive of subnational units, alongside a Provincial Council acting as the regional legislative branch. Both were stipulated to be directly elected by the populations within the *khoueng* (Art. 40), but there is no evidence of routine elections for these positions during the time period. From 1975 to 1990 there was no legal basis for regional authority, due to the centralization of power by the Lao People's Revolutionary Party. The 1991 Constitution established the office of the governor, who acts as the executive in each *khoueng* and *kampheng nakhon*, and is appointed at the discretion of the President (Art. 62). No regional legislative branch currently exists. From 1957 to 1974 the *khoueng* score 2 on Assembly and 2 on Executive. Due to the central government having complete control over the regional executives, all subnational units score 0 on Executive and Assembly from 1975 to 2010.

Shared-Rule

Law Making

The 1957 Constitution vested law making authority in a bicameral legislature, consisting of the National Assembly, the lower house, and the King's Council, the upper house (Art. 30). The National Assembly was elected by the citizens of the kingdom and represented national interests (Art. 24). The King's Council consisted of 12 members, six chosen by the King and six chosen by the National Assembly (Art. 37), none of whom were intended as regional representatives. From 1975 through 1990 national law making authority belonged to the

central Community Party. Beginning with the 1991 Constitution sole law making authority rests with the unicameral National Assembly (Art. 39). The members of the National Assembly are directly elected in constituencies determined by population size. Since there is never a chamber or legislature based on the principle of regional representation or representative of regional governments, *khoueng*, the *kampheng nakhon*, and the *khetphiset* score 0 on Law Making throughout the period.

Executive Control

The 1957 Constitution established that national policy was determined by the bicameral legislature (Art. 30). From 1975 to 1990 national policy authority belonged to the central Community Party. Since 1991 all policy authority rests solely with the National Assembly and the Standing Committee of the President, Vice President, Prime Minister, and other cabinet members who are elected by the National Assembly (C1991, Ch. 4). At no point do the subnational units have routinized meetings with the central governments concerning national policy. The *khoueng*, *kampheng nakhon*, and *khetphiset* score 0 on Executive Control throughout the period.

Fiscal Control

No legal basis existed in the 1957 Constitution for regional governments to co-determine the distribution of national tax revenues. All tax authority belonged to the bicameral legislature. From 1975 to 1990 all policy authority belonged to the central Community Party. Since 1991

fiscal control rests solely with the National Assembly and the Standing Committee (C1991, Art. 40). The *khoueng, kampheng nakhon*, and *khetphiset* score 0 on Fiscal Control throughout the period.

Borrowing Control

The 1957 Constitution established that national borrowing policy was determined by the bicameral legislature (Art. 28). From 1975 to 1990 all policy authority belonged to the central Community Party. Since 1991 borrowing control rests solely with the National Assembly and the Standing Committee (C1991, Art. 40). The *khoueng, kampheng nakhon*, and *khetphiset* score 0 on Borrowing Control throughout the period.

Constitutional Reform

The 1957 Constitution established that constitutional reform authority belonged to the bicameral legislature (Art. 42), but since regions were not represented in either chamber they were unable to introduce, delay, or veto constitutional amendments. From 1975 to 1990 no constitution existed in Laos. According to the 1991 Constitution, two-thirds of the National Assembly is required to amend the Constitution. No other body can initiate amendment procedures (Art. 80). The *khoueng, kampheng nakhon*, and *khetphiset* score 0 on Constitutional Reform throughout the period.

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References

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Self-rule in Laos

			Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
							Assembly	Executive	
Khoueng		1957-1974	1	0	0	0	0	0	1
		1975-1990	0	0	0	0	0	0	0
		1991-2018	1	0	0	0	0	0	1
Kampheng nakhon		1989-1990	0	0	0	0	0	0	0
		1991-2018	1	0	0	0	0	0	1
Khetphiset		1991-2006	0	0	0	0	0	0	0