Laos Legislative Drafting Programme

Seidman, Robert B.

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Boston University
PROCEDURE OF LEGISLATIVE DRAFTING

Introduction

- refer to the Constitution of Lao.PDR
- By experiences and practices

I. The organizations and persons that have the rights to propose drafting laws:

In reference to article 46 of the Constitution " The organizations and persons that have the rights to propose drafting laws for the following "

1. The president of the Republic
2. The national Assembly Standing Committee
3. The Government
4. The people’s Supreme Court
5. The Public Prosecutor - General
6. The Mass Organizations at the central level < Trade Union, Young, Women >.

II. FRAMEWORK PRIORITY

Introduction:

- Before establish the framework drafting prioritization must be:

  1. Ministry of Justice is designed by Government to notified other ministries to draft and submit their own legislation to Ministry of Justice < MOJ >.

  2. MOJ. collects and forwards purposes Legislation from different ministries to the Government.

  3. The Government evaluates and approves Legislation before introducing to NA.

  4. As specified Article 46 of the Constitution Lao PDR, Organizations and Persons other Government must be present Legislation to the NA.

  The NA which shown response 15 days.

  5. The NA evaluates and approves Framework prioritization.

III. Steps of organizing legislative drafting

Upon the national assembly’s approval of the annual legislative drafting, organizations and individuals involved shall implement the following steps:

  1. Organizations and individuals involved shall study legislative drafting based upon current data in socio-economic conditions, shall study past rules and regulations, and shall further study experiences and laws in foreign nations.

  2. Upon preliminary completion of legislative drafting, organizations and individuals involved shall forward said drafting along with a report to the Legislative Drafting Committee, whose members shall consists of the following individuals:

    - organizations and individuals involved
    - Minister of Justice or his appointee, who shall chair such Committee
    - representative from the Prime Minister’s office
    - representative from organizations involved
representative from the Legislative Committee and other concerned committees of the National Assembly

3. Legislative Drafting Committee shall study and adjust legislative bills before presenting said draft with a report to the government

4. Legislative Drafting Committee shall organize meetings to invite concerned expert opinions

5. Legislative Drafting Committee shall make any necessary adjustments of such legislative bills based upon expert opinions before presenting said draft to the National Assembly

6. the government studies and analyzes legislative bills and further necessary adjustments thereof before presenting said draft to the National Assembly

7. the National Assembly shall distribute said draft to all members of the National Assembly, who shall further study, analyze, and present said draft to their local constituents

8. the local offices of the National Assembly members shall gather opinions of all members and the local constituents and shall present said draft and public opinions thereof to the Cabinet of the National Assembly

9. the Cabinet shall present said draft to the Secretariat Committee, which shall summarize opinions of the people and the members of the National Assembly before presenting them to the Standing Committee of National Assembly

10. the Standing Committee shall organize meeting of the National Assembly to make further necessary adjustments of said draft based upon the opinions of members of the National Assembly and the local constituents

11. Standing Committee of the NA shown open session of the NA debate and approve the legislative Bill as follows:
   + Representative of the Government appointed by Prime Minister shown introduce legislative bill at the session of the NA;
   + Members of the NA shown study and participate exchange views and regard to said bill;
   + Appointed Secretary of the Session of the NA. shown summary this opinions of participants members;
   + The legislative Committee and other concern committees and legislative drafting committee shown make adjustments to the said bill as deemed appropriate these participants ;
   + Representative of legislative committee shown make final an adjustment before presenting of the Session of the .NA;
   + Member of the .NA. shown vote on said bill by majority rule;
   + President of the .NA. shown sign in to Law the said bill which the .NA. has passed and approved;
   + The .NA. shown forward of the President of the Lao.PDR. for approval before signing said bill in to Law authorized the degree for the claiming said bill as the law of the land.
IV. MONITORING AND EVOLUTION

Refer to the article 39 of the Constitution Lao PDR: "The NA is the Legislative Organ, which has the right to decide the fundamental issues of the nation. It is the Organ that supervises and overseas the functioning of the executive and Judicial Organs." Therefore representative of Government, President of the People’s Supreme Court and the Public Prosecutor General have obligations to report on their own activities and implementing law at the Session of the NA in September yearly.

V. CONCLUSION

Procedure of legislative drafting are essential and must be followed to ensure fines and justice for all.