

CHAPTER VI

RURAL COMMUNITIES - CANTONS OR TASSENG'S
VILLAGES OR BAN'S

Section I - General

1. Existence of human groups, disseminated through a given territory and having an individuality of their own, imposes itself to those whose mission is to create the Country's administrative organization. As it has often been pointed out, it concerns a sociological fact and not an intentional and artificial creation; in one word the grouping exists before any trial or organization attempt.

This community which formerly was the clan, is today the commune.

This sociological phenomenon was, besides, observed everywhere since in all civilized countries, though the ways of ruling are often different, it exists a basic cell invariably found again and again: the commune.

If the provincial division is recent and of characteristics sometimes called artificial, this is very different - as noticed - for the communal division, a natural cell which is in a way spontaneously constituted.

The village (Ban) constitutes the administrative unit under the Phoban's authority. The Ban is a community of persons, a group of families living an autonomous life. These people are bound by both the feeling of a common origin and the nearness of their houses.

The territory of several villages forms a Tasseng (Canton) the chief of which is the Tasseng.

The village is the elementary unit of the Lao society. Its inhabitants are bound by a common life and common interest.

On the whole, they have the same tasks and same difficulties, the same hopes and the same fears. Thus, is established between them a community of thoughts, heart and soul. They feel being bound together with friendship and solidarity. They know that everyone's fate depends on the fate of all others.

The same characteristics are found again in the whole canton which forms a larger and more populated unit. The canton constitutes a natural region, large enough to group villages sometimes different, but also small enough so that the inhabitants might know each other and feel the solidarity which unites them. The canton is the natural framework inside of which Lao people develop their prosperity; it is a small focus of civilization.

The village's inhabitants form a small community in the middle of the lands from which they take necessary living resources.

Every family, by its work and its activity, contrives to meet its essential needs.

But, according to Lao customs, families of the same village can and must help each other to get a better profit from the natural environment.

The village's inhabitants especially have interest and duty in collaborating with each other and in helping each other to handle the small works and small services of common or public interest that each family can't handle by itself, but which immediately and directly benefit the whole village: construction of pagodas or schools, small lanes, etc..

Also in the canton framework, villages have duty and interest in collaborating with each other to perform works and services which immediately concern these villages as a whole.

At the top of each of these groupings is a chief. At the top of each village, is a Phoban. The canton is administered by a Chief of Canton called Tasseng.

II Chiefs of village and Canton - The Sources of the Communal Organization

Under the regime of administrative Regulation of 1912, the only known general document referring to the period from 1900 to 1945, the administrative organization was as much centralized as a military-typed organization can be: a hierarchy of administrative divisions subordinated to each other.

Let us notice that the administrative regulation of 1912 - an unofficial document can't be found at the present time, and discussed almost uniquely the Phoban's, Tassengs, Kroummakanes and Samiens (clerks) appointment.

We have seen that the law of January 7, 1960 devotes its three first articles to villages (Bans) and cantons (Tassengs). It is advisable to note them here:

Article 1. The village constitutes the basic administrative units.

It is directed by a village chief, called Phoban, who is assisted by communal samiens (clerks).

However, the chief of a village counting a number of registered people equal or lower than 10, the Phoban not included, is assimilated to the Kroummakane regarding rights and privileges.

Article 2. The territory of several villages forms a canton (Tasseng) having at the top a chief called Tasseng, who is assisted by Samiens and Kroummakanes.

Article 3. Designation of Tassengs and Phobans will be done by election according to a procedure which will be scheduled by Royal Decree. This Royal Decree will also establish the duration of Tassengs and Phobans mandates as well as their functions and administrative organization of territories, villages and Tassengs.

We already had the opportunity to record that until now no R.D. had been issued to fix the organization of rural communities. In other words, Article 3 of the Law No. 47 of January 7, 1950 had not been applied yet.

However, a communal regulation was elaborated. It is an official document entitled "Communal life", "Canton and village chiefs" of Mr. Devaux, the content of which was approved by the President of the Council dated April 8, 1957. This document has never been published in French. It was published in Lao. One can say it constitutes a guide or aide-mémoire, but not at all an organic text.

That's why we elaborated and a Committee of Study of the Ministry of Interior put the finishing touch to a Royal Decree project for the organization of rural communities, villages and cantons.

This is done, let us repeat, in application of Article 3 of Law No. 47 January 7, 1950.

It was elaborated after full preliminary studies concerning the matter. Notice was taken, in particular, of the most interesting works of M. Devaux, author of "Communal life".

The organic text ~~program~~ ~~proposes to give~~ a firm and adaptable ~~juridical~~ framework to the basic communities of the country.

In this particular case, the purpose is to replace the customary (or varying) Law by written (or positive) law that represents the normal form of evolution or to say better, of any progress.

It was conceived and put into forms in a spirit which is both conservative and progressive, giving its part to what is devoted by customs and to necessities of modern life or according to the famous formula, he who does not go ahead, moves back.

We are going to conduct a detailed analysis of the project of the organic text relating to rural communities, villages and cantons.

III Project of Organic Texts about Rural Communities, Villages and Cantons, which became the R.D No. 254 of 8/24/56

CHAPTER I. - About villages and Tassengs as rural organizations

Villages (Bans) as primary and natural communities, and Cantons (Tassengs) as traditional geographic entity grouping a certain number of neighbouring villages, are considered, as regard the administrative organization, as territorial communities.

Every Tasseng constitutes, with the Bans which are joined to it, a territorial community the name of which is rural commune.

Rural Communes rule themselves freely and manage affairs of common interest with the means they have at their disposal.

The communal framework constitutes an organic administrative Unit including two grades, the first one being the village and the second one being the canton.

The Village constitutes the elementary basic cell in the administrative organization of the Kingdom, in conformity with ancestral tradition.

Village inhabitants are united by close community of life and by a reasonable community of interests. Because they are very close to each other and are working to the same tasks or are facing the same difficulties, the inhabitants of the same village are naturally bound by common thoughts, heart and soul.

They feel close to each other by ties of affection, friendship and solidarity, and they have ever known, that each one's fate depends on others' fate.

The village is directed by a village chief, called Phoban. Appellation and geographic limits of every village are those which are coming from tradition and customs, at least as long as geographic limits will not be specified by maps or sketches made by skilled people.

As a general rule, only village communities counting more than 20 houses or more than 100 inhabitants, will be able to constitute and to be considered as actual official villages.

In transition, chiefs of villages with less than twenty houses or less than one hundred inhabitants will remain in function until it is decided otherwise by competent authority.

Progressively and by contributing as much as possible, local traditions, villages of which the number of houses or the figure of population is less than the principal minimum, will be considered as hamlets or as attached, from the administrative point of view, to neighbouring villages, in order not to be under these minima which are considered as limits for the villages might become a basic living community.

In application of R.D No. 93 dated March 29, 1960 relating to the texts confirming the territorial organization, the decision concerning creation, merging or attaching of villages are taken by the Chao'houeng upon the Chaomoung's proposal.

The Canton is constituted by the grouping of a certain number of nearby villages. It represents the highest grade of rural community.

Village common-ties are found again in the Canton which forms a stronger and firmer unit because of being more populated.

The Canton forms a natural area where are operating ethnical and geographic ties, important enough to constitute a realistic unit, and small enough for the same Canton inhabitants to be able to know each other and feel solidarity ties which unite them.

The Canton is the natural and ancestral framework in which Lao people use to live and develop themselves. It constituted a small home of collective life and local civilization.

The Canton is directed by a chief called Tasseng.

Appellation and geographic limits of every canton are those which are derived from customs and official texts.

The canton is defined by the list of villages which compose it.

As a general rule and except reasons dictated by exceptional ethnical or geographic imperatives, a rural canton will have to include a minimum of 500 homes or 2,500 inhabitants.

The canton county-seat is fixed by an official decision which groups a certain number of adjacent villages in the canton administrative unit. It has a permanent character in order not to be submitted to changes which can affect the Tasseng designation. This permanence will be put in concrete form according to financial capabilities by construction or arrangement of a communal house.

Provisionally the rural cantons, the size of which is lower than minimum, or higher than maximum in principle, are maintained as they are until it is otherwise decided by the competent authority.

In application of R.D. No. 93, dated March 29, 1960, decisions concerning creation of new Cantons or Cantons modification, are taken by the Ministry of Interior upon the Chao'houeng's proposal.

In the discharge of their duties, as rural community representatives, Tassengs and Phobans are under the direct or indirect administrative control of the Chamoung and exceptionally under that of the Chao'houeng.

The Chaomvong is also a guide and a higher and overall advisor to Tassengs and Phobans everytime they want to become informed in this or that case, on the procedure to be followed, on what is proper to do or not to do in such or such circumstance.

Tassengs and Phobans constitute, each one in their grade, state administrative divisions for any thing which concerns national interests management.

Tassengs and phobans are, as far as orch is concerned, the central power agents in their areas. For this reason they are under the Chaomvong's direct authority.

The rural communities are given a legal status. The Tasseng represents the rural community for cases under dispute and contracts.

The phoban can represent his village, either directly in the case of administrative action or by Tasseng's delegation in the case of legal actions.

CHAPTER II.- The village authorities

Each village is constituted of a village council or a council of Notables (Kong Paxoum Pan) which is presided over by the phoban and includes, in addition to the village chief:

- 5 Notables in the villages of 100 inhabitants and less
- 6 "- "- of 100 to 150 inhabitants
- 7 "- "- of 100 to 200 "-
- 8 "- "- of 200 to 250 "-
- 9 "- "- of 250 to 300 "-
- 10 "- "- of 300 to 350 "-
- 11 "- "- of 350 to 400 "-
- 12 "- "- of 400 to 450 "-
- 13 "- "- of 450 to 500 "-
- 14 "- "- of 501 inhabitants and more

The members of the Village Council are traditionally called Kroumakanes.

The Phoban and the Kroumakanes are elected separately through universal and direct suffrage by voters registered on electoral lists.

Electoral lists which must be used for election for phobans and Kroumakanes, are established on the same basis as those which are used for parliamentary election.

Provisionally, the electoral lists for communal elections may mention only male people, other than 18 years, regularly registered on village control.

Orders of the president of the Council, taken upon proposal of the Ministry of Interior, will determine Cantons and Huongs in which electorate is limited to male voters.

Are eligible to the functions of phoban or Kroumakane the Lao male citizens older than 30, living in the village since at least 3 consecutive years, being able to read and write and regularly registered on electoral lists.

Phobans and Kroumakanes are elected for five years.

Elections take place on Sunday, the Van Sinh or Nu Kham.

Elections' dates and places are set up by the Chaomvong upon Tasseng's proposal.

Inhabitants are informed at least 10 days in advance.

Elections take place under the chairmanship of the Tasseng or of somebody appointed by the Chaomong, assisted by two voters chosen by the President from among the present voters, one of them will be the eldest and the other one youngest.

The Chairman of communal elections reads the list of voter's names.

In order that elections are valid, it is necessary that three quarters of registered voters are participating in the vote.

The phoban will obligatorily be elected before the Notables.

For Kroummakane's elections, the voters successively gather around the candidate of their choice. The vote is done openly and is not secret.

To be elected, the candidate must gather on his name the two thirds of expressed suffrages.

For Kroummakane's elections, the voters successively gather around the candidate of their choice. Relative majority is sufficient.

The Kroummakanes are elected one after the other until the required number stipulated by Article 14 obtained.

If the quorum and the majority stipulated in the three previous articles are not obtained, they will proceed to a new vote, either on the same day or on the following days according to the decision of the chairman of the election office.

If during the first vote of the following day, requirements of quorum and majority are not met, they will proceed to a new vote. For this new vote, the quorum will be reduced to the two thirds of registered electors and the absolute majority will be sufficient as well for the phoban election as for that of the Kroummakanes.

The election will be the subject of minutes signed by the chairman and his assessors as stipulated in Article 22.

It will be possible to establish a secret vote as well for phobans election as for Kroummakanes, for villages namely designed by decision of the Chaokhoueng approved by the Minister of Interior.

In this case, the vote procedure will be as such as it is determined by the following articles:

Electoral lists are established on the same basis as for parliamentary elections.

Provisions concerning the discussion of electoral lists, electoral propaganda, penalties and Proceedings are those which are stipulated, mutatus mutandi, for parliamentary elections.

The meeting of voters is convened by Chaokhoueng's decision upon Chaomong's proposal. Inhabitants are informed at least 10 days in advance.

The election Office is presided over by the Tasseng, the phoban in function or the out-going phoban. In case of prevention of this one, it is presided over by a Kroummakane or a person appointed by the Chaomong.

The organic text later specifies the detailed procedure of electoral operations which is not necessary to mention.

The Chaomuong, upon reviewing the election minutes and possibly complaints which could be addressed to him, will validate the election or will cancel the vote operations.

In case of validation of the Phoban's election, the Chaomuong will give to the newly elected Phoban a Committee Card, and possibly a seal. The Phoban whose election was recognized valid by the Chaomuong will have to be sworn in according to the country custom, before taking over his charge.

In case of validation of the Kroummakanes election, the Chaomuong shall proceed to the confirmation of the election and this confirmation shall be notified to them through the Tasseng or the Phoban. The newly elected Kroummakanes must swear in before taking over their charge.

In case of cancellation of vote operations, it will be proceeded to new elections, on a date scheduled by the Chaomuong.

A regularly elected Phoban can be removed from office before his mandate expiration only by justified decision of the Chaomuong with the Chaokhoueng's approval and because of fault or serious negligence committed in the discharge of his duties.

In case of dismissal, it will be proceeded to new elections on a date set up by the Chaokhoueng, upon Chaomuong's proposal.

A Council of regularly elected notables can be dissolved before expiration of its mandate only by justified decision of the Chaomuong with the Chaokhoueng's approval. In case of dissolution, it will be proceeded to new elections on a date set up by the Chaomuong.

CHAPTER III.- The Tasseng Notabilities

At the top of every Canton is a Tasseng elected by an electoral college including the Phobans and all the members of village councils appointed in accordance with chapter II.

Are eligible the Lao male citizens, over 35 years of age, living in the Canton for at least 5 years, being able to read and write, and being regularly registered on the electoral lists.

The candidate shall have, besides, fulfilled the functions of a Phoban, a Kroummakane, a Samien of a Tasseng, during at least 5 years.

However, the following people may also be elected as a Tasseng, without fulfilling the conditions of eligibility provided for in the two preceding paragraphs:

- Retired civil servants
- Applicants having the CEF and CEN
- Former soldiers or police men who obtained at least the grade of Senior warrant officer (CHA-EK)
- Former " maha " having at least the certificate of Pa Khok 5
- Merchants licensed at least at the ----- class.

Tassengs are elected for a period of 5 years.

Elections take place on a holiday (Sundays, the Ven-Sing or Lu Khan)

Date and place of elections are set up by the Chaomuong.

The population is informed at least 20 days in advance.

The election takes place under the chairmanship of the Chaomuong or his deputy, assisted by the four Phobans whose villages have the largest number of inhabitants.

The chairman proceeds to nominative call of electors who gather around the candidate of their choice, according to the custom.

To be elected, the candidate must gather under his name two thirds of expressed suffrages.

If this majority is not obtained, it will be proceeded to two new votes.

At the third vote the majority of expressed suffrages will be sufficient.

In order that the election be valid, it is necessary for three quarters of the Electoral College to be present.

The election will be recorded in minutes signed by the Chairman and the four assessors. It will include names of the candidates and the number of votes obtained by each one.

It will be allowed to institute a secret vote for Tasseng's election, for Cantons namely designated, by decree of the Ministry of Interior, upon the Chaokhoueng's proposal.

In this case, the procedure will be the one stipulated for the election of Phobans through secret vote.

The Chaokhoueng upon reviewing the minutes of the elections and complaints which could be addressed to him, will validate the election or will cancel the vote operations.

In case of validation, the Chaokhoueng will give a committee card and a seal to the newly elected through the Chaomuong or his deputy.

In every Canton is instituted a Council of Canton (Kong Paxoum Tasseng) presided over by the Tasseng and composed of each village representatives.

The Phobans are by right members of the canton Council.

The other canton Advisors are members of village councils in the proportion set up below.

- 1 Canton Advisor for councils of village of 2 to 3 notables
- 2 " " " " of 4 to 5 "
- 3 " " " " of 6 to 7 "
- 4 " " " " of 8 to 9 "
- 5 " " " " of 10 Notables and more

Canton Advisors, other than the Phobans, are appointed by the village councils, in the limits set up above.

The Council of Canton will include besides, to constitute a permanent Committee to the Tasseng, high personalities of the Canton, such as the " Nai hongts " the " Nai longts " , the " phobans " or the most influent ex-Tassengs, phobans or Kroummakanes. These personalities will be appointed by the Chaokhoueng, upon Chaomuong's proposal. The number of appointed advisors will be fixed according to the table below:

- 3	Advisors for the Tasseng having at least 2000 inhabitants or less
- 4	" " " 2001 to 2500 inhabitants
- 5	" " " 2501 to 3000 "
- 6	" " " 3000 to 3500 "
- 7	" " " 3501 to 4000 "
- 8	" " " 4001 to 4500 "
- 9	" " " 4501 inhabitants and more

The Tassengs and Councils of Canton represent canton authorities.

Members of Canton Council and the Tasseng will have to be sworn in at the same time, before taking over their charge.

CHAPTER IV: The appointed Tassengs

Provisionally, and in order to make easier the starting of the new organization of rural communes, it will be possible to decide by decree of the Ministry of Interior, upon the Chaokhoueng's proposal, that certain Cantons will have at their head, near the elected Tassengs, a canton chief appointed by chaokhoueng's decision and chosen from among civil servants of General Administration in service in the Muong.

This Tasseng will have the title of Tasseng Kharaskane.

The role of the Tasseng, his Samien and the members of the Canton Council, how they must exercise their respective functions and correctly administer the canton by initiating them to the regular bookkeeping and documents stipulated by the texts and by training them to practice a good and clean local administration.

The Tasseng Kharaskane will organize and direct the canton administrative office, in the framework of various functions of the canton chief. He is designated for a maximum period of six months.

CHAPTER V: About local authorities' functions

Tassengs and Phobans are the chief of canton and village Administration.

They take their own initiatives, all useful arrangements to manage their local community interests and manage for the best the affairs which concern the community they have in charge.

Village and canton Advisors assist their Phoban and their Tasseng in the discharge of their duties.

Moreover, they can exercise certain defined powers in accordance with the customs or through the Tasseng or Phoban.

Samien functions or those of Secretary of village and canton, will be fulfilled in principle by village and canton Advisors, at the proportion of one Samien for village having less than 300 inhabitants and two Samiens for villages having more than 300 inhabitants on the one hand, and on the other hand:

- 1	Samien for Cantons having less than 1500 inhabitants
- 2	" " " 1501 to 3000 inhabitants
- 3	" " " 3001 inhabitants and more

Exceptionally, the Samiens of villages and Cantons will be able to be chosen by village and Canton Councils, beside these Councils, with the approval of the Chaomuong for Samiens of Canton and the approval of the Tasseng for village Samiens. In that case, preference will be given to school-teachers in service or to retired civil servants, living in villages and cantons concerned.

The village and Canton Council will gather after convocation by their Chairman, at least twice a month for the Ban and once a month for the Tasseng, and everytime the Phoban or the Tasseng will judge it is useful.

They deliberate on all affairs which are submitted to them by the chairman, and can discuss in general about all the matters which concern the rural commune.

The question of precedence among members of canton Council and village council, other than Tasseng and Phoban, at times of either managing of Councils meetings or of feasts or religious or public ceremonies, is ruled by age, canton Advisors taking precedence upon village Advisors.

Sessions of rural Councils are public and the population can attend their meeting.

However, the Tasseng and the Phoban may decide, according to circumstances, that the rural council will meet in secret Committee.

The Phoban and the Tasseng must specially take care of the management of the following local interest matters.

- 1.) General Administration of the community he is in charge of.
- 2.) Policy and Keeping of public order in connection with public and administrative authorities of the Muang;
- 3.) Management of communal interests in economic and social field.
- 4.) Organization of contribution of the population to work of communal interest;
- 5.) Respect of traditions and local customs.

Special instructions shall specify, as much as it is required, the local authorities functions in rural commune framework.

These functions will be divided between the Tasseng and subordinated Phobans in accordance with local customs or because of particular circumstances.

The Tasseng and the Phoban are also given particular functions in the field of matters of national interest, notably in legal matter, civil status, direct or indirect taxations, cattle's control, census, elections etc these functions are specified by particular texts.

Tassengs and Phobans ~~may delegate under their responsibility to their~~ advisors, a part of their functions in field of local interest as well as the field of national interest.

CHAPTER VI: Means of Action

Tassengs and Phobans may be assisted, apart from Advisors and Samiens, by communal auxiliaries, chosen in the framework of the village or canton, in order to execute services or works of local interest. They will be remunerated by or will benefit of advantages set up by village or canton authorities.

For realization of work of local interest, Tasseng and Phoban will ask for the voluntary contribution of the population in the framework of customs or particular texts.

Until institution of formal communal budgets, Tasseng and Phobans are specially in charge of utilization of national solidarity days stipulated by laws and regulations.

They prepare and have these days programs executed, according to regular arrangements and for the best of the communal interest.

In view to reinforce means of action of village authorities, the phoban, during a village council and in presence of the population, will be able to create action Committees in well determined purpose or for well specified tasks.

Every action committee is presided over either by a notable, member of the village council, or by a person chosen from outside the council and designated because of his ability or the confidence he inspires to the population.

Every action committee will include 3 to 6 members.

It is established for a determined period of three months, six months or one year. But a committee, whose mandate is expiring, may be extended for a new period of three months, six months or one year, if it gave satisfaction to the population and if it is necessary.

Every Committee whose mandate is expiring, reports its activity to the village council with population participation.

In principle, four action Committees will be instituted in every village.

I. - AN ACTION COMMITTEE FOR RELIGIOUS AND CULTURAL AFFAIRS

It will take care of children's religious instruction, of religious feasts in liaison with monks and pagodas.

It will also take care of construction and maintenance of religious buildings, also historic monuments and sites.

It will take care of public instruction and adults' basic education in liaison with local representatives of Ministry of National Education.

It will take care of traditional or folkloric feasts and also possible reception of official visitors.

2. - AN ACTION COMMITTEE FOR SOCIAL AFFAIRS.

It will notably see to the public hygiene and health matters, to assistance and social welfare in liaison with local representatives of Public Health and Social Departments.

3. - AN ACTION COMMITTEE FOR ECONOMIC AFFAIRS

It will especially take care of matters of agriculture production, breeding and afforestation or reafforestation.

It will advise and supervise cultivation works and breeding ways of village population in the way of technical progress.

It will organize mutual assistance of anybody who is in material or physical incapacity of handling works necessary to his subsistence and that of his family.

It will organize mutual assistance by execution of works which concern a family but or beyond this family capacity of working, in other words, putting into practice of solidarity spirit which must incite all the members of the village community.

It will encourage the population to participate to works of common interest in economic field and will see to the equitable distribution of tasks during these works' execution.

4. - AN ACTION COMMITTEE FOR PUBLIC AND INTERNAL SECURITY AFFAIRS

It will specially look over security of persons and properties within village community.

It will aim to rule, by friendly settlement, disputes which can occur between community members, to appease internal quarrels and in general, to make good feeling and concord prevail among all village inhabitants.

It will organize self-defence groups against male factors coming from outside.

It will collaborate with public forces in patrol or in operation in the village territory.

Excerpt from:

"Administrative Organization of Laos"

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