

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Prime Minister

No. 99/PM

DECREE ON LAND

Chapter One : Land and Property over Land

Article 1 : *The land is the property of the national community, represented by the State of Lao PDR, which manages the land on a centralized and unanimous basis at the national level.*

Article 2 : *State property is reflected as follows :*

-The State organizes the distribution of land to the Lao citizens for legally supported long term possession and use and considers the approval of lease or concession for foreign residents and expatriates.

-The State certifies the Lao citizen's right of possession and use of land and issues documents approving the assignment, transfer, lease, deposit as security, and share, transaction of the right of possession and use of developed land and the alteration of targets in land use as provided in the regulations.

-The State levies taxes for land possession and use from all parcels of land under possession and use as prescribed in the regulations applied unanimously at the national level.

-The State may withdraw the right of possession and use of land when the State requires its use for public purposes and if such possession or use of land is not conform with the regulations.

Chapter Two: Right of Possession and Use of Land

Article 3 : *All Lao citizens have the right to possess and use land under the following forms :*

-Legal inheritance, assignment, transfer, lease, transaction of right of possession and use of land.

-Legal clearing of land with private funds or physical work in accordance with the regulations.

-Assignment of the state's right of possession and use of land in accordance with the regulations.

-Allotment of newly cleared cooperative land, specifically before its dissolution, as decided by the general meeting of cooperative's members to allot such land to its members for production, including contracting to families or transfer to the original owner.

-The assignment of right of land possession and use pursuant to the forest land assignment policy program outlined by the Ministry of Agriculture and Forestry.

-Obtention of lease or concession rights.

Article 4 : *Foreign residents living and working in Lao PDR, foreign organizations and expatriate individuals legally investing or leading other lawful activities have the right to possess and use land in the form of lease or concession according to specific regulations. In the case of diplomatic missions or international organizations desiring to lease new land, the terms of land lease will be based on the agreement between the Government of Lao PDR and the relevant Government or international organizations.*

Land presently under the hold and use of diplomatic missions and international organizations based on lease or sale contracts which were entered during the former regime, requires to be reconfirmed by the Government of Lao PDR to be considered as lawful.

Article 5 : *The State does not acknowledge and still considers as unlawful acts the following cases:*

-Retention and interference in land lying within the boundaries of any state project, reserves for the preservation of water source forests, wild life, mine areas, areas of historical sites, natural tourism areas.

-Retention of forest, broadleave forests.

-Sale of right of possession and use of land to foreign residents or foreigners.

-Assignment, transfer, transaction of right of possession and use of land after fleeing the country.

-Use of rights and positions for possession and use of land.

-Use of rights and status of Lao citizenship to unlawfully purchase or seize land for foreign residents or foreigners.

-Acquisition of vacant land for exchange, transaction without authorization from the agency in charge of managing such type of land.

Article 6 : *Individuals lawfully possessing and using land have the following rights:*

-Receive land title.

-Build dwellings or other buildings.

-Undertake agro-forestry, industrial production and services.

-Receive compensation for damage caused by other individuals to their right of use.

-Receive compensation for brought improvements after the expiration of land use (based on contracts).

-Receive compensation in case the State withdraws the right of land use for the interest of the State or society.

-Leg, assign, transfer, lease, evaluate as stock, share or transact the right of possession and use of land to other individuals.

Article 7 : *Individuals possessing and using land has the following obligations:*

-Fully comply to various regulations on land.

-Pay land, lease or concession taxes in due time.

-Make use of land according to state socio-economic development plans.

-Make appropriate use of land as provided for in the lease or concession contract.

-Avoid causing damage to soil quality, destruction to environment, or alter the targets of land use without the approval from the relevant state agency.

-Avoid breaching the rights and benefits of neighboring land users.

Article 8 : *Individuals' or organizations' right of possession and use of land will expire in the following cases:*

-Voluntary waive of right of possession and use of land.

-Timely termination of right of possession and use of land.

-Unconform use of land to targets (provided for in regulations or contracts) and the land user being warned 3 times by the relevant officers.

-Continuous failure to pay state land lease or concession taxes within the period provided for in regulations or contracts.

-Individuals having forfeited their right of possession and use of land by court decision.

-Individuals having forfeited their rights of possession and use of land for a period of 10 years for having fled abroad, fled their place of

origin during the war, except for certain cases which will be decided by the Government. However, in the case of individuals having fled to participate to the struggle for national liberation, the State will appropriately reconsider their cases if applications are lodged before January 1996.

-Land used out of necessity by the State for public interest.

Article 9 : *The State will only consider the cases of land pertaining to individuals having fled abroad as follows:*

-The State will manage only the land constituting conjugal property of spouses who have fled abroad.

-The State will only recognize as belonging to individuals present in Lao PDR the land under the property of several individuals.

Chapter Three : Management and use of each Type of Land

Article 10 : *The Government centrally and unanimously manages the use of all types of land at the national level, whereby the State shares the responsibility with the relevant ministries as follows:*

-The Ministry of Finance has the duty to summarize the situation of all type of land use, study and issue regulations on the management, issuance of land title and collection of land use taxes.

-The Ministry of Agriculture and Forestry is entrusted the management of land use within agro-forestry areas, water sources, water retainment, natural streams, and study and issue regulations governing the request of right for the use and management of such types of land.

-The Ministry of Industry is entrusted the management of land use within mine areas, land areas defined as industrial zones, and along potential areas as energy sources. And issue regulations on the management of such type of land.

-The Ministry of Propaganda and Culture and Press is

entrusted the management of land use within archeological areas, historical sites, archeological areas for religious pilgrimage, and manages and issues regulations on the use of such type of land.

-The Ministry of Communication, Transport, Post and Construction issues regulations on the management of land used along the alignment of communication, transport, post, construction and urbanism.

Chapter Four : Measures against Offenders

Article 11 : *Violation of regulations provided for in this Decree will be liable to responsibility as prescribed by law.*

Article 12 : *Disputes over land will be considered and solved by administrative agencies, land management agencies of each level, ministries being assigned the right to manage various types of land or the people's court of each level, according to each case.*

Chapter Five : Organization and Implementation

Article 13 : *The Ministry of Finance is entrusted to issue regulations for registration, assignment, transfer, inheritance, lease, evaluation as stock, share, transaction of the right of possession and use of land; Land related to investment, land of diplomatic missions and international organizations will be decided by the Government.*

Article 14 : *At the initial stage, the Government will appoint a committee of several relevant ministries, called "Land re-management committee", to which the Land and Property registration agency will be the permanent assistance agency.*

Article 15 : *Such committee will define its role, duties and methodology, work programme to present for the Government's approval.*

Article 16 : *Ministries and Equal ranking agencies at the central and local levels have the duty to participate to the organization and implementation according to their respective roles.*

Formerly issued decrees, provisions and instructions inconsistent to this Decree are all superseded.

Article 17 : *This Decree is effective from the day it is signed.*

Vientiane, December 19, 1992
Prime Minister

Khamtay Siphandone