

# **LAW ON LAND**

Law No. 01/97 NA

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## **PART I GENERAL PROVISIONS**

### **Article 1 - Function of Land Law**

The function of Land Law is to determine the rules relating to the management, protection and use of land which is a national resource in order to ensure efficiency and conformity with the objective and law and regulations and to make contribution to the acceleration of the national socio-economic development as well as to the protection of the environment and the national borders of the Lao People's Democratic Republic.

### **Article 2 - Land of Lao PDR**

Land of Lao People's Democratic Republic is the land area which lies within the borders of Lao PDR and includes land surface, under-ground land, mountains, isles as well as submerged land, water space and air space.

Land of Lao PDR is the main national resource which is the place of living and working of the Lao people, and is the important means of production socio-economic development, national defense and security.

### **Article 3 - Land Ownership**

Land of Lao PDR is under the ownership of the national community as prescribed in Article 15 of the constitution in which the State is charged with management in a coordinated and uniform manner throughout the country and allocation to individuals, families and organizations — economic organizations, army units, state organizations, political and social organizations for effective use, and to persons who have no nationality and foreigners for leasing.

No persons or organizations can take land as a commodity for the purpose of buying and selling.

#### Article 4 - Promotion for Land Development

The State promotes land development by laying down policies, methods and measures - education campaign and creating of fund - concerning the conservation and improvement of land so that it may become of better quality and more fertile.

#### Article 5 - Protection of the Interest of the Holder of Land Use Right

The State protects the legal interest of the holder of land use right by allowing effective, peaceful and long-term use of land and by ensuring the protection right, use right, usufruct right, transfer right and inheritance right.

#### Article 6 - Protection of Land and Environment

All individuals and organizations shall have the obligation to protect the land in order to keep it in a good condition in which there is no soil erosion, land slip and soil degradation, and in a quality which is suitable to each category of land, and to ensure that the area of each land category has not decreased without due authorization.

Land use shall not have a negative impact on the natural or social environment.

#### Article 7 - Prohibition of Land Speculation

Illegal land occupation for the purpose of land speculation performed before or after the promulgation of the Constitution shall definitely be cancelled.

From the date of the promulgation of this Law, any individual or organization wishing to use the land is required to have an authorization from the State.

## **PART II LAND MANAGEMENT AND LAND REGISTRATION**

### Section 1 Land Management

#### Article 8 - Land Management

The State is charged with the management of the land for the whole country in a uniform and coordinated manner in which the Government assigns the management responsibilities to concerned Ministries: Ministry of Agriculture and Forest, Ministry of Industry and Handicraft, Ministry of Communication, Transport, Post and Construction, Ministry of Information and Culture, Ministry of National Defense, Ministry of Interior, and assigns the Ministry of Finance to take charge of the centralized management through land registration, land titling, land leasing based on the National Socio-economic Development Plan, and to ensure a direct management of construction land.

#### Article 9 - Functions in Land Management

The main functions in land management are as follows:

1. Land data survey and allocation;
2. General land mapping;
3. Land measurement and land quality evaluation;
4. Classification of land regions;
5. Classification of land categories;
6. Preparation of Land Master Plan;
7. Land use planning;

8. Approval of Land use plan;
9. Land record (statistics);
10. Holding land registration book;
11. Land valuation;
12. Assignment of land use right;
13. Issuance of Land Title;
14. Land transfer, land lease;
15. Land use control;
16. Land withdrawal or requisition;
17. Settlement of land dispute.

#### Article 10 - Land Survey and Management

The Government shall set-up a specific organization which shall be charged with land data survey and zoning, collection of data on land which are to be used in the classification of land regions, land categories and in making the general map for the whole country which shall, thereafter, be assigned to concerned Agencies and Local Administrative Authorities for taking charge of the management.

#### Article 11 - Classification of Land Regions and Land Categories

Land in the whole country is divided into regions and categories as follows:

##### 1. Classification of Regions:

Plain Region which includes:

- Urban region
- Rural region
- Specific economic region;

Plateau Region which includes:

- Urban region
- Rural region
- Specific economic region;

Mountainous Region which includes:

- Urban region
- Rural region
- Specific economic region.

##### 2. Classification of categories:

- Agricultural land;
- Forest land;
- Construction land;
- Industrial land;
- Communication land;
- Cultural land;
- Land for national defense and for peace-keeping;
- Water-area land.

#### Article 12 - Determination of Boundaries for Each Land Category

The Government is charged with the zoning and demarcation of boundaries for each land category throughout the country and, thereafter, submit to the National Assembly for approval.

Local Administrative Authorities are charged with the determination of land categories which are under their jurisdiction in accordance with the determination of boundaries for land categories made by the State and, thereafter, submit to the higher administrative authority for consideration and approval.

#### Article 13 - Lease of Land

The State will give the authorization to Lao citizens to lease the land for a maximum period of not over thirty years; and this period may be extended depending on each case.

Regarding the leasing of the use right of developed land between Lao citizens, the maximum period is twenty years and may be extended depending on case subject to the approval of the administrative authority of the district where the land is located.

The actual determination of the lease period shall be made on the basis of the characteristics and size of the operation which requires to use the Land.

#### Article 14 - Change in Land Category

The change in land from one category into another category can be made only if it is considered to be necessary to use the land for another purpose without having negative impacts on the natural or social environment and with prior approval duly given by the concerned managing authority.

### Section 2 Management of Agricultural Land

#### Article 15 - Agricultural Land

Agricultural land is the land which is determined to be used for cultivation, animal husbandry and agricultural research and experimentation and for irrigation.

#### Article 16 - Management of Agricultural Land

The Ministry of Agriculture and Forest is charged with managing agricultural land, determining different categories of agricultural land, making research on regulations on the management, protection, development and use of this category of land which are to be, thereafter, submitted to the Government consideration and approval.

#### Article 17 - Determination of Scope of Agricultural Land Use Right

The State gives authorization to individual and family for long-term and efficient use of land in conformity with the management plan and objectives and for the areas determined as follows:

For those using land for cultivating rice and farming fish and other water creatures, the maximum area is one hectare per labour force in the family;

For those using land for undertaking commercial crops, the maximum area is three hectares per labour force in the family;

For those using land for growing fruit-trees orchards, the maximum area is three hectares per labour force in the family;

For those using deforested land or grass-land for growing grass for animals, the maximum area is fifteen hectares per labour force in the family.

Regarding the approval for the use of agricultural land area by individual, the State shall make consideration on case by case basis by taking into account the characteristics, size, actual capacity to produce, conditions and management plan of the agricultural land of the local level.

A labour force can receive the right to use many categories of agricultural land if it has the condition and actual capacity to produce.

Any person who wishes to use the agricultural land for an area larger than the amount determined for the category of land for which he/she has the use right, he/she may apply for leasing the land with the State.

Regarding the approval of agricultural land area to organization for production purpose, it shall be based on the actual capacity of the concerned organization.

#### Article 18 - Allocation of Use Right of Agricultural Land

The District Administrative Authority is charged with taking consideration and approval of the allocation of the use right of agricultural land, under its management, to individuals and organizations for use by issuing the Land Certificates to them. These Land Certificates are valid for three years. During this period, if land has been used in conformity with objectives and regulations, and no objections, and any claims have been already settled, then the individuals and organizations could have the right to apply to the Land Management Offices of the provinces, Municipality or Special Zone for issuing of Land Titles for long term use right.

### Section 3 Management of Forest Land

#### Article 19 - Forest Land

Forest land area is the areas of all land parcels which are covered by forest or the land which is not covered by forest but is determined by the State to be forest land as prescribed in the Law on Forest.

#### Article 20 - Management of Forest Land

The Ministry of Agriculture and Forest is charged with managing the forest land, determining different categories of forest land, making research on regulations on the management, protection, development and use of this category of land, and on environment protection which are to be, thereafter, submitted to the Government for consideration and approval.

#### Article 21 - Determination of Scope of Forest Land Use Right

The State gives the authorization to individual and family for long-term and efficient use of forest land which is deforested land or degrading land in conformity with objectives for an area of not over three hectares per one labour force in the family. Any person wishing to use forestland of a larger area, he/she has the right to apply for leasing the land with the State.

Regarding the approval of forestland area to organization for use, it shall be based on its actual capacity to produce.

#### Article 22 - Allocation of Use Right of Forest Land

The District Administrative Authority is, in coordination with the village Administrative Authority, charged with taking decision on the allocation of use right of forest land which is under its management to individuals and organizations for use by issuing Land Certificates to them. These Land Certificates are valid for three years. During this period, if land has been used in conformity with objective and regulations, and no person has raised objections and claims, or any objections and claims have been already settled, then the individuals and organizations could have the right to apply to the Land Management Offices of the Provinces, Municipality and Special Zone for issuing of Land Title for long-term use right.

### Section 4 Management of Construction Land

#### Article 23 - Construction Land

Construction land is the land which is determined to be used for the construction of residential places, buildings, workshops, factories, offices, organizations, public facilities.

#### Article 24 - Management of Construction Land

The Ministry of Finance is charged with managing the construction land, making research on regulations on the management, protection, development and use of this category of land which are to be, thereafter, submitted to the Government for consideration and approval.

#### Article 25 - Categories of Construction Land

Construction land is divided into the following categories:

- Construction land for public facilities;
- Construction land for residential places;
- Construction land for workshops and factories;
- Construction land for Offices of state agencies and organizations.

The construction land for public facilities is the land used for collective benefit, such as: public parks, schools, hospitals, markets, children playing-gardens, stadium, and other things which are used for public interest.

The construction land for residential place is the land used in the building of residential places of the individuals and families.

The construction land for Offices of state agencies and organizations is the land used in the building of offices of state agencies and organizations, enterprises, embassies or international organizations.

The management of construction land shall be made in accordance with the town plan and with the determined amount of land for each category of construction land.

#### Article 26 - Regulations on the Use of Construction Land

The State shall make a reserve of construction land for public facilities for using for collective benefit. If there is a change in the objectives of the use of such land, it shall be, again used for collective benefit, and this requires a prior authorization from the concerned agency.

The use of construction land shall cause no harm to the interest of another person and shall be based on actual situation. All constructions shall have to receive due authorization from the town planning organization and shall be strictly undertaken in accordance with the town planning regulations, and shall receive authorization from the concerned competent authority and shall fully conform with technical standards and ensure the protection of the environment.

#### Article 27 - Determination of Scope of Construction Land Use Right

The State gives the authorization to individual and family for peaceful, long-term and efficient use of construction land in conformity with the objective for a maximum area of eight hundred square meters per person in the family. Any person who wishes to use a larger area of construction land, has the right to apply for leasing the land with the State.

Regarding the approval of construction land area to organizations for use, it shall be based on its actual using capacity.

### Section 5 Management of Industrial Land

#### Article 28 - Industrial Land

Industrial land is the land area or region which is determined by the State to be the locations of workshops, factories, industrial centers, places for industrial technical and scientific research, waste-water filtering stations, industrial waste destruction places, energy sources, tracks for electric power transmission lines, tracks for energy and gas pipe-lines and for public water pipe-lines, mining areas and other land used for industrial purposes.

#### Article 29 - Management of Industrial Land

The Ministry of Industry and Handicraft is charged with managing the industrial land, making research on regulations on the management, protection, development and use of this category of land and on environment protection which are to be, thereafter, submitted to the Government for consideration and approval.

Regarding the management of land used for the tracks for electric power transmission lines, tracks for energy, gas and public water pipe-lines, it is required to coordinate with the communication and transport agency and other concerned agencies.

#### Article 30 - Regulations on the Use of Industrial Land

Individuals and organizations using industrial land shall comply with the following conditions:

1. Having received the authorization from the Industry and handicraft agency;
2. Having received the authorization from the town planning organization;
3. Causing no harm to another person, to the public or to the environment;
4. Making repair of land surface and making improvement of land in order to allow the land to return to its original condition after giving up the use as in the case of mining land.

### Section 6 Management of Communication Land

#### Article 31 - Communication Land

Communication land is the land used for making the roads, side-walks, water canals, bridge-construction places, tracks for telephone lines, telecommunication stations areas including airports, harbours, stands for goods and passengers transport vehicles, tunnels, railways, warehouses and other land used for communication works.

#### Article 32 - Management of Communication Land

The Ministry of Communication, Transport, Post and Construction is charged with managing the communication land, making research on regulations on the management, protection, development and use of this category of land which are to be, thereafter, submitted to the Government for consideration and approval.

#### Article 33 - Use of Communication Land

The use of communication land shall be in accordance with the regulations which are specifically issued by the concerned organization.

### Section 7 Management of Cultural Land

#### Article 34 - Cultural Land

Cultural land is the locating areas for cultural heritages which are related to the historical tracks, traditional objects, traditional places, temples, natural landscape, cultural buildings and other places which are determined by the State to cultural and tourist land.

### Article 35 - Management of Cultural Land

The Ministry of Information and Culture is charged with managing the cultural land throughout the country, making research on regulations on the management, protection, development and use of this category of land which are to be, thereafter, submitted to the Government for consideration and approval.

Individuals or organizations using the cultural land shall comply with the regulations on the management, use and protection of cultural land.

## Section 8 Management of Land for National Defense and for Peace-Keeping

### Article 36 - Land for National Defense and for Peace-keeping

Land for national defense and for peace-keeping is the land used for national defense and peace-keeping works, such as: military camps, locating areas for offices, army units, housing places, schools and military and police training fields, artillery fields; military and police airports and harbours, military warehouses, hospitals, workshops, factories, recreational places and other land which is used for national defense and peace-keeping works.

### Article 37 - Management of Land for National Defense and for Peace-keeping

The Ministry of National Defense and the Ministry of Interior are charged with managing the land for national defense and for peace-keeping, making research on regulations on the management, protection, development and use of this category of land which are to be, thereafter, submitted to the Government for consideration and approval.

### Article 38 - Use of Other Land Categories in National Defense and Peace-keeping Works

In case of necessity, the national defense and peace-keeping forces can use other categories of land, whether it is owned by individuals or organization, for national defense and peace-keeping activities accordingly to the decision taken by the Government.

After the land is no longer needed, it shall be returned to its former owner. In case, the use has caused damage to the possessor of use right of developed land, a compensation for damage has to be suitably considered.

## Section 9 Management of Water-Area Land

### Article 39 - Water-Area Land

Water-area land is the land which is submerged or surrounding of water sources, such as: submerged land, head waters, river banks, island, newly formed land, land caused by water-receding or land caused by the change or the diversion of water ways.

### Article 40 - Management of Water-Area Land

The Ministry of Agriculture and Forest is charged with managing the water-area land, making research on regulations on the management, protection, development and use of this category of land, in coordination with the local administrative authority in the place where the water-area land is located, which are to be, thereafter, submitted to the Government for consideration and approval.

### Article 41 - Regulations on the Use of Water-Area Land

The use of water-area land shall be made in compliance with the following conditions:



1. Protection against erosion;
2. Not causing obstruction to waterway;
3. Not causing silting of waterways or flood;
4. Not causing pollution in water sources;
5. Not cutting trees and destroying the forest in water catchment areas;
6. Not digging and taking away the riverbank soil. In case of necessity, it is required to receive prior authorization from the concerned organization.

#### Article 42 - Use of Water-Area Land

The administrative authority of the village where the water-area land is located is charged with making the study and proposal to the district administrative authority concerning the allocation of such land to individuals or organizations for appropriate protection and use.

In case the water-area land has already been under the use right of an individual or organization, if the Water and Water Resource Management Organization and the Science, Technology and Environment Organization have undertaken the investigation and found that the use of such land has caused no negative impacts on the water area; then, such land shall remain under the use right of that individual or organization.

### Section 10 Land Registration

#### Article 43 - Land Registration

Land registration is the record of data in the Land Register Book, such as: Names and surnames of the husband and wife who have received the land use right, land category, land boundaries and area, acquisition method and land location are recorded in the Land Register Book.

Land registration is an attestation of legal land use right of an individual or organization. It avoids the falsification of land use right, facilitates the management and protection of land in a uniform manner for the whole country.

#### Article 44 - Types of First Land Registration

Land registration for first time consists of two forms which are:

- Systematic land registration;
- Land registration based on request

The systematic land registration is the registration without request which is systematically undertaken in a particular area where the management of Land, the classification of land regions and the classification of land categories for management are necessary.

The land registration based on request is the registration which is performed according to the request made by any individual or organization that requires the attestation of land use right.

#### Article 45 - Application for First Land Registration

An individual or organization wishing to register their land shall submit the application for registration to the Land Management Office of the province, municipality or special zone by passing through the village administrative authority and the District Land Management Unit.

The application for land registration consists of the following documents:

1. Land acquisition certificate, such as: inheritance or transfer, and Land Certificate for the case of agricultural land or forestland;

2. Certificate of original acquisition of land;
3. Certificate of land guarantee from the original owner or from the administrative authority of the place where land is located;
4. Other necessary documents.

#### Article 46 - Control of Application for First Land Registration

When the application form for first land registration has been received by the Land Management Unit of the district, this unit shall, in coordination with the administrative authority of the village where the land is located, verify the information given with the actual situation and with the laws and regulations.

After having found out that all information is in conformity with the actual situation and with the laws and regulations, the cadastral unit official shall undertake the measurement and make a land parcel map which is to be enclosed with the application form and, then, submitted to the Land Management Office of the province, municipality or special zone for making consideration on land registration.

#### Article 47 - Land Register Book

Land Register Book is the book which is used to record, according to serial numbers, the registration of land. The Land Register Book has the signature and seal of the Finance Minister on the first page and a serial number and a seal mark on each page.

Land Register Book shall contain the main information as follows:

1. Name and surname of the individual or organization holding the land use right;
2. Date, month and year of birth, nationality, profession, present address;
3. Names of the father and mother of the land use right holder;
4. Number of the Land Title;
5. Code number of map;
6. Land limits, area and boundaries;
7. Land map.

#### Article 48 - Land Certificate

Land certificate is an official document attesting the provisional use right of agricultural land or forest land which is issued by the District Administrative Authority to individual or organization who acquires the right to use such land.

Individual or organization receiving the Land Certificate has the right to give it as inheritance for the term of the certificate; but not the right to transfer, to use as share, to use as guarantee or to put on lease.

#### Article 49 - Land Title

Land Title is the only one document which is taken as the main evidence for permanent land use right. It is copied out from the Land Register Book in one copy only and is handed over to the land owner who shall keep it as an evidence for a long period until there is a change accordingly to the conditions as prescribed in the law.

Before issuing the Land Title, the concerned organization shall put the Information Notice at the Land Management Office, District Administrative Office, village Administrative Office where land is located, and issue the Notification by using the state mass media - putting notification in newspapers and making announcement in the radio - for a period of 90 days as from the date of signature of the certificate in order to inform the public. During this period, if no claims have been raised or if the claims have already been resolved, the Land Title shall, then, be issued to the holder of land use right.

#### Article 50 - Issuance of the Copy of Land Title

In case the Land Title is lost or destroyed, the Land Management Office of the province, municipality or special zone will issue the copy of Land Title to the individual or organization who makes the request for it.

In case the lost or destroyed Land Title does not leave any trace which can be used as evidence certifying that it is truly the concerned Land Title, it is required that before the Land Title could be issued, there shall be the decision of the local people's court of the place where land is located.

In all cases, the issuing of Land Title copy shall be preceded by a Notification for public information for a period of 30 days as in accordance with the provision of the above Article 49.

#### Article 51 - Registration of Legal Land Documents

Legal land document registration is the recording of all the changes on land use right, such as: transfer and guarantee, in the Legal Registration Book at the unit of Land and Housing Management at the district according to the delegation from the Land Office of the Provinces, Municipality or Special Zone, for updating the changes on that land.

### **PART III RIGHTS AND OBLIGATIONS OF THE LAND USER**

#### Section 1 Rights and Obligations of Law Citizen Concerning the Land

#### Article 52 - Acquisition of Land Use Right

Individual or organization will acquire the land use right on any one of the following basis:

1. Assignment by the State;
2. Transfer;
3. Inheritance.

#### Article 53 - Rights of the Land User

The holder of land use right shall have the following rights:

- Land protection right;
- Land use right;
- Land usufruct right;
- Right to transfer the land use right;
- Right of land use right inheritance

#### Article 54 - Land Protection Right

Land protection right is the right assigned by the State to an individual or organization to protect the land with a view to using it for a specific purpose.

#### Article 55 - Land Use Right

Land use right is the right to use land for a specific purpose according to the management plan of the State with a view to responding to the needs of the person acquiring the land use right.

#### Article 56 - Land Usufruct Right

Right of usufruct from developed land is the right to collect the usufruct from land by the person who has the land use right, such as: from land leasing, from using developed land as a share or a guarantee.

#### Article 57 - Right to Transfer the Land Right

Right to transfer the land use right is the right of assigning of the use and decision concerning the land use right to another person. The transfer can be made only for the land which has already been developed and put into production.

#### Article 58 - Right to Inherit Land Use Right

The right of inheritance of the use right of developed land is the right to give the land use right as inheritance to the children, grandchildren, parents or close relatives after the death of the person having the land use right.

The inheritance heir of developed land has the right to use the inherited land whether the area of inherited land in addition to the area of the land which is presently used will exceed the maximum rate for the land category as prescribed in the law. However, he/she has to pay the land tax for the surplus land at a rate which is higher than the normal rate.

#### Article 59 - Rights of the State Organizations, Political Organizations, Socio-Economic Organizations

The State organizations, political organizations and socio-economic organizations, being assigned of land for use and protection, have only the management, use and protection rights; but they have no transfer right, lease right, right to take land as a share or a guaranty.

#### Article 60 - Obligations of the Land User

Land user has the following obligations:

1. Using land in accordance with objectives;
2. Not causing damage to land quality and not causing harmful impacts on the natural or social environment;
3. Not violating the right and interest of other persons;
4. Complying with the real situation which has to be accepted in accordance with the provision of the law;
5. Fulfilling the obligations concerning land on time, such as: payment of land tax, transfer tax, income tax from lease, inheritance tax, fees for names transfer, fees for land legal documents registration, and other fees concerning the land.
6. Complying fully with other land regulations.

#### Article 61 - Real Situation which has to be Accepted

In case the individual or organization is surrounded by the land of offer persons and has no access to the road, such individual or organization has the right to make a request to the holder of use right of the land located nearest to the road for an access passage. The land use right holder shall provide the access passage at the place considered to be appropriate and has the right to request compensation for the losses caused to cultivation, construction assets or development on the land used for the access passage.

In case there are installed electric wire, telephone cables, the digging of water canals, the laying of culverts or public water pipes, etc. ... across the land of the holder of land use right which cause destruction or damages to trees, cultivation products or construction assets, the concerned land use right holder has the right to request compensation for losses caused by such acts. In case the person providing the passage has already received the benefit from the acts, he shall not make the request for compensation of the losses, except in case the losses are too large. In such case, it is required to make a calculation of the compensation for the losses in a suitable manner.

#### Article 62 - Loss of Land Use Right

The holder of land use right will lose his right in the following cases:

1. Having not used the land allocated by the State in accordance with the objectives;
2. Having not paid the land tax for three years, consecutively;
3. Having not used the land in accordance with the provision of the contract and of the Land Law;
4. Losing land use right by court decision.

#### Article 63 - Termination of Land Use Right

Land use right of an individual or organization shall be terminated in the following cases:

1. Giving up voluntarily the land use right;
2. Land requisition by the State for public facilities use.

### Section 2 Rights and Obligations of Foreign Citizens, Persons Having No Nationality and Foreigners Relating to Land Leasing

#### Article 64 - Land Leasing by Foreign Citizens, Persons Having No Nationality and Foreigners

Foreign citizens (aliens), persons having no nationality, foreigners and their organizations who invest and perform legal activities in Lao PDR are able to lease the land with the State.

Foreign citizens, persons having no nationality and their organizations wishing to lease developed land from Lao citizens shall get prior authorization from the Administrative Authority of the province, municipality or special zone where the land is located. Regarding the foreigners and their organizations who wish to lease developed land from Lao citizens, the Administrative Authority of the province, municipality or special zone where the land is located shall submit their proposal to the Finance Ministry for taking decision.

#### Article 65 - Land Rental Period

The period of land leasing with the State by foreign citizens, persons having no nationality and their organizations shall be based on the characteristics, size and conditions of the operation. However, the maximum period shall be thirty years and may be further extended on case by case basis in accordance with the approval of the Government.

The maximum period of leasing the developed land with Lao citizens by the foreign citizens, persons having no nationality and their organizations is twenty years. This period may be extended on case by case basis accordingly to the approval of the administrative authority of the province, municipality or special zone where the land is located. As for the foreigners and their organizations, the administrative authority of the province, municipality or special zone where the land is located shall submit their proposals to the Finance Ministry for taking decision.

Regarding the determination of land rental period for foreigners who come to invest in Lao PDR, it shall be based on the characteristics, size and conditions of the operation and project. However, the maximum period shall be fifty years and may be further extended on case by case basis according to the decision taken by the Government. For the specific economic zone, the maximum period for land leasing shall be seventy-five years and may be further extended on case by case basis according to the approval from the National Assembly.

Regarding the leasing of land having an area exceeding ten thousand hectares, it is required to have the approval from the National Assembly.

As for the determination of actual rental period, it shall be based on the characteristics, size and conditions of each operation.

Embassies or international organizations wishing to use land in Lao PDR may also lease, exchange, transfer land according to the agreement between the Government of Lao PDR and the Government of the concerned country. For this case, the rental period shall not exceed ninety years.

## Article 66 - Obligations in Land Leasing for Foreign Citizens, Persons Having No Nationality, Foreigners and Their Organizations

The obligations in land leasing for foreign citizens, persons having no nationality, foreigners and their organizations are as follows:

1. Using the land in conformity with the objectives;
2. Not causing damage to land quality; not causing negative impacts on natural or social environment;
3. Not violating the rights and interest of other persons;
4. Complying with the actual situation which has to be accepted in accordance with the provision of the law;
5. Paying the lease on land and other fees relating to land;
6. Complying fully with other land regulations.

## Section 3 Compensation for Losses

### Article 67 - Causes of Compensation for Losses

The causes of compensation for losses consist of the following three types:

1. Losses caused by the violation of laws and regulations;
2. Losses caused by the actual situation which has to be accepted;
3. Losses caused by land requisition.

### Article 68 - Compensation for Losses Caused by the Violation of Laws and Regulations

Any individual or organization using the land whom has caused damage to another person or to the public because of the violation of the laws and regulations shall pay a compensation for the losses resulting from his acts. In case the violation has caused most serious losses, it shall be filed to the court which will take decision according to the laws.

### Article 69 - Compensation for Losses Caused by the Actual Situation which has to be Accepted

Any individual or organization who acquires benefit from the actual situation which has to be accepted from other persons who provide access passage or water drainage canal causing losses to cultivation, to construction assets of these persons or to the public, such individual or organization shall pay a suitable compensation for such losses.

### Article 70 - Compensation for Losses Caused by Land Requisition

When it is necessary to use the land of any individual or organization for public purposes, the State or the collective shall pay a suitable compensation for the losses to the owner of the requisitioned land.

In order to limit the compensation for land requisition, it is required to have reserved land at a rate of five percent of the total land area of the village, district, province, municipality or special zone.

During the time that this land has not yet been used, it may be temporarily leased to individual or organizations.

### Article 71 - Determination of Losses

Regarding the compensation for losses, there shall be a committee consisting of the representatives of concerned parties who will be charged with determining the valuation of the losses.

## Section 4

Land which the Administrative Authority had assigned the Use Right to the People  
during the period of National Liberation Struggle  
and Land Left by the People who fled to Foreign Countries

Article 72 - Land Which the Administrative Authority had Assigned the Use Right to the People During the Period of National Liberation Struggle

The State does not recognize the claim for land of which the administrative authority had assigned the use right to the people during the period of national liberation struggle.

Article 73 - Land Left by Peoples Who Moved to Other Places in the Country During the Period of National Liberation Struggle

The State does not recognize the claim for land left by the owner who moved to other places in the country during the period of national liberation struggle.

Article 74 - Land Given as Collective Property

The State does not recognize the claim for land of the individual and organization that gave up their land as public property during the period of national liberation struggle and during the present time.

Article 75 - Land of the People Who Fled to Other Countries

The State does not recognize the claim for land left by the people who fled to foreign countries.

**PART IV  
CONTROL OF LAND USE**

Article 76 - Control of Land Use

The control of land use is the following-up of the activities concerning the management, protection, development and use of land of the individual and organization with a view to ensuring efficiency and conformity with objectives.

Article 77 - Land Use Control Organizations

The control of the use of each category of land in order to ensure the compliance with objectives and laws and regulations is the responsibility of the organizations charged with the management of the concerned land categories at different levels as prescribed in Article 8 of this Law.

Regarding land allocation, land leasing and land registration, they shall be controlled by the Ministry of Finance.

Article 78 - Rights and Functions of the Land Use Control Organizations

The land use control organizations have the rights and functions as follows:

1. To demand documents which are necessary for the control work from the individual or organization;
2. To undertake the control of the land site;
3. To give advice to the land users;
4. To give order for suspending or stopping, temporarily, the land use operations which are not legal;
5. To make proposal to concerned organizations regarding the consideration for the withdrawal of land use right;
6. To perform other rights and functions concerning the control of land use.

**PART V  
SETTLEMENT OF LAND PROBLEMS,**

**POLICY TOWARDS THE PERSONS HAVING GOOD PERFORMANCE  
AND MEASURES AGAINST VIOLATORS**

**Article 79 - Settlement of Land Problems Having Administrative Characteristics**

The settlement of land problems having administrative characteristics, such as: using the land without authorization, using the land not in conformity with objectives, not using the land within determined time period after getting the assignment, not paying taxes or fees on land as determined by regulations and other land problems having administrative characteristics shall be resolved by the concerned land management organization in coordination with the concerned local administrative authority at the place where the land is located.

If the land user is not satisfied with the decision taken for resolving the problems, he/she has the right to request the higher authority to settle the problems.

**Article 80 - Settlement of Land Disputes Having Civil Case Characteristics**

The settlement of land disputes having civil case characteristics, such as: inheritance of developed land, transfer of land use right and other civil land contracts shall be brought under the consideration and decision of the people's court according to legal procedures.

Regarding the settlement of land disputes having civil case characteristics, the administrative authority at the place where the land is located shall first arbitrate; if it is unable to reach the agreement, then the case shall be filed to the people's court for taking decision in accordance with the laws.

**Article 81 - Policy Towards the Person Having Good Performance**

An individual or organization who uses the land in accordance with laws and regulations, protects and develops the land in an efficient manner shall be congratulated and shall be given the facility to lease additional land or to extend the rental period and shall receive other benefits which are determined by the State.

**Article 82 - Measures against Violators**

An individual or organization who has, while using, protecting and developing the land, violated the law and regulations on land causing losses and damages to the public, environment, assets, health or life of other persons shall be subjected to a fine or a penal punishment, depending on the severity of the case, as well as the payment for the compensation of the losses caused.

In addition to the above-mentioned main punishment, the guilty person may receive additional punishment such as withdrawal of Land Certificate, Land Title or other certificates concerning the use of land.

**Article 83 - Penal Measures**

An individual who has, while performing the work concerning the land, violated the laws and regulations, such as: opportunistic use of function, abuse of power, corruption, falsification of documents, issuing illegally the Land Title for personal interest causing losses to the interest of the State, of the collectivity or of another person shall be subjected to disciplinary action or penal punishment, depending on the severity of the case, as well as the payment for the compensation of the losses caused.

**PART VI  
FINAL PROVISION**

**Article 84 - Implementation**

After the promulgation of this Law on Land, the Government of the Lao People's Democratic Republic shall be charged with the issuing of detailed Regulations for the implementation of this law, and shall undertake



systematic land control throughout the country, particularly control on the acquisition of land use right, size of the land, use of the land.

#### Article 85 - Time Limit for Settlement Regarding the Land

Lao citizens having the land in conformity with laws and regulations during the past period, but the area is larger than the area prescribed in the Land Law, shall arrange for the settlement in order to be in compliance with the provision of this Land Law within a period of three years commencing from the date of the promulgation of this Land Law. After this period, they will not have the right to use the land in excess. If they wish to continue to use the land, they shall be given the priority of leasing the land with the State.

After the promulgation of this law, all persons having land exceeding the rate prescribed in the law due to a change in the number of family members shall make the arrangement in order to be in compliance with the land rate within a period of three years commencing from the date on which there is a change on the members of the family.

Regarding the foreign citizens, persons having no nationality, foreigners and their organizations who have acquired the land in the past period, it is required that they shall make the arrangement in order to be in compliance with this Land Law within a period of three years commencing from the date of the promulgation of this law. After this period, the concerned persons will lose the land use right on such land. In case they wish to continue to use the land that they have used, they shall be given the priority of leasing the land with the State.

Regarding the embassies and international organizations, decisions shall be taken by the Government.

#### Article 86 - Effectiveness

This Land Law is effective from the date on which the President of the Lao People's Democratic Republic has issued the Decree Law on the promulgation.

This Land Law supersedes the Provisional Regulation No. 22/CPM dated 21/3/89 on Management and Use of Agricultural Land in Lao PDR, Decree No. 129/PM dated 18/11/79 on Land and Houses of the Reactionaries sentenced by court, of persons who fled the country and of persons attending the seminar, and Decree No. 99/PM dated 19/12/92 on Land. All other regulations which are in contradiction with this Law shall be cancelled.

Vientiane, 12 April 1997  
President of the National Assembly  
Samane Vignaket